

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.672 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- CHANDAUTI District- Gaya

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NARESH YADAV Son of Late Jagdish Yadav Resident of Village- Kewali,
P.S.- Chandauti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gauri Devi Wife of Dinesh Chaudhary Resident of Village- Kewali, P.S.-
Chandauti, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Kunwar Narayan Jamuar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-07-2023 1. Heard learned counsel for the appellant and

learned Spl. P.P. for the State along with learned counsel for the

informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 06.01.2023 in A.B.P. No. 03 of 2023 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in
connection with Chandauti P.S. Case No. 561 of 2022 registered
for the offences punishable under Sections 341, 504, 323, 325,
506, 379 and 34 of the Indian Penal Code as well as Sections



3(i)(r)(s) and 3(2) (v-a) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that the accused persons including the appellant came and assaulted her causing fracture of her hand.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that allegation of assault is general and omnibus in nature, it is next submitted that even presuming what has been alleged is true without admitting, then there is no specific overt act alleged against the appellant and the F.I.R. does not even remotely suggest that the occurrence was witnessed by any of the witnesses.

5. Learned counsel for the informant opposes the prayer for anticipatory bail of the appellant, but is not in a position to rebut the submission of the learned counsel for the appellant that allegation of assault is general and omnibus and no specific allegation of assault is alleged against the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 06.01.2023 in A.B.P. No. 03 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya **in connection with Chandauti P.S.**



Case No. 561 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chandauti P.S. Case No. 561 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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