

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.666 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- HASPURA District- Aurangabad

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1. RAMASHRAY YADAV @ RAMASHRAY SINGH Son of Surydayal Singh Resident of Village- Gavaspur, P.S.- Haspura, District- Aurangabad (Bihar)
 2. SHREE YADAV Son of Ghura Yadav Resident of Village- Gavaspur, P.S.- Haspura, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sujanti Devi Wife of Sanjay Paswan Resident of Village- Ahiyapur, P.S.- Haspura, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Addl. Public Prosecutor
For the Respondent No. 2 :		Mr. Ashok Kumar Singh, Advocate
		Mr. Abhishek Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-09-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 08.12.2022 passed in a case registered for the offence punishable under sections 147, 149, 341, 323, 324, 354, 379 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case , on date and time of occurrence , when the informant was at her house , in the meantime these appellants along with other co-accused persons armed with lathi, danda entered the house of the informant and



tried to outrage her modesty and on protest other accused persons named in the F.I.R., abused the informant by case name and also assaulted her by lathi.

4. It is submitted on behalf of the appellants that admittedly, there is a pending land dispute between the parties for which maintenance case has been lodged vide annexure 3 of the bail petition . Allegation is general and omnibus against the appellants and no specific overt act has been alleged against them. F.I.R does not reveal that incident took place within the public view, as such, no case under SC/ST Act is made out against the appellants.

5. Counsel for the opposite parties vehemently oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Adl. District and Sessions Judge cum Special Judge, SC/St, Aurangabad , in connection with Haspura Police Station Case No. 299 of



2022 .

(Prabhat Kumar Singh, J)

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