

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1011 of 2023**

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Jehanabad

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LALA YADAV @ BINAY YADAV @ RAM BINAY YADAV Son of
Basudhari Yadav R/V- Ranapur, P.S- Rampur Chauram Dist- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakti Paswan Son of Lakhan Paswan R/V- Ranapur, P.S- Rampur Chauram
Dist- Arwal

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Braj Kishore Singh, Advocate
For the Informant	:	Mr. Binayak Kumar Shrivastav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2023 Heard learned counsel for the appellant, the State and
respondent no.2.

The present appeal is directed against the order dated 07.01.2023, passed in a case registered for the offence punishable under Sections 147, 148, 149, 342, 323, 325, 352, 379, 307, 504, 506/34 of the Indian Penal Code read with Sections 3 (1) (s) / 3 (2) (va) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is alleged that all the FIR named accused persons including this appellant armed with weapons entered into the house of the informant, assaulted and abused by caste name. It is further alleged that during course of assault they took away



the bags containing ornaments and mobile phone and cash of rupees four thousand.

It is submitted on behalf of the appellant that the allegation of assault and abuse by caste name is general and omnibus in nature and no specific over act has been alleged against this appellant. It is not the case of the informant, that at the time of incident any member of public was present, and as such, no offence under SC/ST Act is made out against the appellant. Case and counter-case. Appellant claims clean antecedent.

Learned counsel for the State and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 07.01.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge I-cum Special Judge SC/ST Act,



Jehanabad in connection with Arwal SC/ST P.S Case No. 19 of
2022, subject to the condition as laid down under Section 438
(2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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