

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.912 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- OBRA District- Aurangabad

1. Sriram Yadav Son Of Mahendra Yadav R/O Village- Mahdeva, P.S.- Obra, District- Aurangabad (BIHAR)
2. Dukhan Yadav Son Of Late Surya Dayal Yadav R/O Village- Mahdeva, P.S.- Obra, District- Aurangabad (BIHAR)
3. Arun Yadav @ Arun Kumar Son Of Rajendra Yadav R/O Village- Mahdeva, P.S.- Obra, District- Aurangabad (BIHAR)
4. Raju Yadav @ Raju Kumar Son Of Rajendra Yadav R/O Village- Mahdeva, P.S.- Obra, District- Aurangabad (BIHAR)
5. Baljit Yadav Son Of Suresh Yadav Resident Of Village- Mahdeva, Ps- Obra, District- Aurangabad (BIHAR)
6. Mahendra Yadav Son Of Late Surya Dayal Yadav Resident Of Village- Mahdeva, Ps- Obra, District- Aurangabad (BIHAR)
7. Krishna Yadav Son Of Doma Yadav Resident Of Village- Mahdeva, Ps- Obra, District- Aurangabad (BIHAR)
8. Sudhir Kumar Son Of Krishna Yadav Resident Of Village- Mahdeva, Ps- Obra, District- Aurangabad (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJU KUMAR SON OF LALAN PASWAN R/O VILLAGE- MAHDEVA, P.S.- OBRA, DISTRICT- AURANGABAD (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
25.05.2023 but nobody appeared on behalf of the respondent
no.2.



This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 14.12.2022 passed by learned 1st Addl. District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad (Bihar) in connection with Obra P.S. Case No. 354/2022, registered under Sections 147, 148, 149, 341, 323, 504 and 307 of the Indian Penal Code and Section 3 (i)(r)(s), 2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants. There is case and counter case between the parties. There is no specific allegation about abuse the informant by taking caste name. The informant alleged that the accused persons have hit on his head due to which his head has been broken but no such injury was found by the police in course of the investigation. Appellants have got criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for



bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad (Bihar) in connection with Obra P.S. Case No. 354/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

