

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1220 of 2023

Arising Out of PS. Case No.-594 Year-2022 Thana- RAMPUR District- Gaya

-
1. KARU YADAV @ SANTOSH KUMAR YADAV S/o Harivansh Yadav Resident of Village-Imaliyachak, Katari Hill Road, P.S. Rampur, District-Gaya
 2. PUNAM YADAV @ PUNAM @ DEEPAK KUMAR YADAV @ DEEPAK YADAV S/o Harivansh Yadav Resident of Village-Imaliyachak, Katari Hill Road, P.S. Rampur, District-Gaya
 3. MUNNI DEVI W/o Punam Yadav @ Punam @ Deepak Kumar Yadav @ Deepak Yadav Resident of Village-Imaliyachak, Katari Hill Road, P.S. Rampur, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. MOCHAN PASWAN S/o Late Kameshwar Paswan Resident of Village-Imaliyachak, Katari Hill Road, P.S. Rampur, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surendra Kishore Thakur , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Addl. Public Prosecutor
For the Respondent No. 2 :	:	Mr. Mrigendra Kumar , 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 16.12.2022 passed in a case registered for the offence punishable under sections 341, 323, 354, 504, 506 /34 of the



Indian Penal Code and sections 3(ii)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , on account of dispute over passage between the parties a scuffle took place in w which its is alleged that these appellants abused the respondent No. 2 and his family members by caste name and also assaulted them.

4. It is submitted that specific allegation of assault is against co-accused Karu Yadav , so far as these appellants are concerned, there is general and omnibus allegation against them. It is not a case of informant that at the time of occurrence any member of the public was present at the place of occurrence , as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the parties 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 Exclusive Special Judge, SC/St,
Gaya, in connection with Rampur Police Station Case No. 594
of 2022 .

(Prabhat Kumar Singh, J)

Kaushik/-

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

