

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1543 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- AMBA District- Aurangabad

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1. RAM VILASH YADAV S/O LATE KARMU YADAV Resident of Village- Jauda, P.S.- Amba, District- Aurangabad.
 2. VINAY YADAV S/O RAM VILASH YADAV Resident of Village- Jauda, P.S.- Amba, District- Aurangabad.
 3. JITENDRA YADAV S/O RAM VILASH YADAV Resident of Village- Jauda, P.S.- Amba, District- Aurangabad.
 4. BAJRANG YADAV S/O RAM VILASH YADAV Resident of Village- Jauda, P.S.- Amba, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. RAGHUPAT RAM S/O LATE GHURA RAM Resident of Village- Jauda, P.S.- Amba, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl PP
	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 08.02.2023 passed by learned Addl. District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad in connection with Amba P.S. Case No. 297 of 2022, registered



under Sections 147, 148, 341, 448, 504, 506 and 385 of the Indian Penal Code and Sections 3 (i)(x) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, all the accused persons abused and assaulted the informant.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellants. There is no specific overt act against any of these appellants and there is no allegation against the appellants to demand the extortion money from the informant. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, 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 Addl. District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad in connection with Amba P.S. Case No. 297 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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