

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1779 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- SHERGHATI District- Gaya

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1. KAVITA DEVI Wife of Mithlesh Yadav @ Mithlesh Kumar Yadav @ Nageshwar Yadav R/V- Sri Rampur PS- Sherghatti, Dist- Gaya
 2. Mithlesh Yadav @ Mithlesh Kumar Yadav @ Nageshwar Yadav Son of Sukhdeo Yadav R/V- Sri Rampur PS- Sherghatti, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Tetari Devi Wife of Late Jagu Rajak R/V- Sri Rampur PS- Sherghatti, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 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 03.05.2023 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 17.03.2023 passed by learned Special Judge



SC/ST Act. Gaya in connection with Sherghati P.S. Case No. 363/2022, registered under Sections 341, 323, 504, 506, 307 and 379/34 of the Indian Penal Code and Section 3 (i)(r)(s) 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 no specific overt act against any of these appellants. The person occurrence took place only due to simple scuffle between the children and family members of both the parties. No any injury was received in the present occurrence. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail.

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 Special



Judge SC/ST Act. Gaya in connection with Sherghati P.S. Case
No. 363/2022, 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)

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