

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1823 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- RAMPUR District- Gaya

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1. Sunil Yadav @ Sunil Kumar @ Sunil Kumar Yadav Son Of Foudari Yadav Resident Of Village - Rampur Gobartoli, P.S. - Rampur, Distt. - Gaya
 2. Sikander Yadav Son Of Foudari Yadav Resident Of Village - Rampur Gobartoli, P.S. - Rampur, Distt. - Gaya
 3. Rajesh Kumar Son Of Late Mathura Yadav Resident Of Village - Rampur Gobartoli, P.S. - Rampur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sudama Manjhi Son Of Kamaldev Manjhi Resident Of Village - Rampur Bhuitoli, P.S. - Rampur, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-12-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

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 for anticipatory bail of the appellants vide order dated 23.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in



connection with A.B.P. No. 62 of 2023 (arising out of Rampur P.S. Case No. 83 of 2023) registered for the alleged offences under Sections 341, 323, 379, 504 and 506 read with 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants and the other co-accused persons have brutally assaulted the informant and Butta Kumar Manjhi with *lathi* and *danda* due to which they sustained injuries and took away informant's Bajrangbali made of gold, Rs. 5000/- in cash and two mobile phones.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. It is further submitted that as per the F.I.R., it would manifest that there is no allegation of hurling of caste related abuse at the informant by the appellants. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is made out against the appellants. The co-accused persons have already been granted



anticipatory bail by the Coordinate Bench of this court vide order dated 16.08.2023 passed in Cr. Appeal (SJ) No. 2102 of 2023. The appellants have no criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 23.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 62 of 2023 (arising out of Rampur P.S. Case No. 83 of 2023), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 62 of 2023



(arising out of Rampur P.S. Case No. 83 of 2023), subject to
the conditions mentioned in Section 438(2) of the Code of
Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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