

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1763 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- BELAGANJ District- Gaya

-
1. RAJESH YADAV @ RAJESH KUMAR SON OF GAYA YADAV R/O VILLAGE- BHAGWANPUR, P.S.- BELAGANJ, DISTRICT- GAYA
 2. VIKASH YADAV @ VIKASH KUMAR SON OF GAYA YADAV R/O VILLAGE- BHAGWANPUR, P.S.- BELAGANJ, DISTRICT- GAYA
 3. MRITUNJAY YADAV @ MRITUNJAY PRASAD SON OF RAVINDRA YADAV @ RAVINDRA PRASAD R/O VILLAGE- BHAGWANPUR, P.S.- BELAGANJ, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SIYAMANI DEVI WIFE OF MAHESH MOCHI R/O VILLAGE- BHAGWANPUR, P.S.- BELAGANJ, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar Singh, Adv. Mr.Omkar Kumar, Adv. Mr.Nawal Kishor Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr.Praveen Kumar, Adv. Mr.Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 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, 2015 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 22.03.2023, passed by learned Court of Exclusive Special Judge, SC & ST, Gaya, in connection with Belaganj P.S. Case No.24 of 2023, registered u/s 341, 323, 385, 354(a), 354(b),



307, 379, 504, 506/34 of the IPC and sections 3(1)(r)(w)/ 3(2)(v) of the SC/ST Act.

3. As per F.I.R., on the alleged date, the appellant no.1 abused the son of the informant and when informant objected, the appellants along with other accused started to misbehave with her and assaulted both the informant and her son.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Though there is allegation against the appellants to assault the informant and her son but the injury report enclosed at Annexure 2 of the memo of appeal suggests that the nature of injury was simple. It is further submitted that no offence under the SC/ST Act is made out against the appellants as there is general and omnibus allegation against the appellants to abuse the son of the informant. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that there is allegation against the appellants to assault the informant and her son.



6. Considering the facts and circumstances of the case and the nature of injury, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five 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 Belaganj P.S. Case No.24 of 2023, 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)

pallavi/-

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

