

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2010 of 2023

Arising Out of PS. Case No.-248 Year-2021 Thana- FATEHPUR District- Gaya

1. UMESH YADAV @ UMESH KUMAR SON OF ARJUN PRASAD R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA
2. BRAHAMDEV YADAV SON OF RAMKISHUN PRASAD R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA
3. NAVEEN YADAV @ NAVIN KUMAR SON OF PARMESHWAR PRASAD R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA
4. KRISHNA YADAV SON OF GOVIND PRASAD YADAV R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA
5. SUNIL YADAV @ SUNIL KUMAR SON OF BRAHAMDEV PRASAD R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA
6. SARJU YADAV @ SARJU PRASAD SON OF PUNA PRASAD R/O VILLAGE- NEYAMATPUR, P.S.- FATEHPUR, DISTRICT- GAYA

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Asgher Najmi
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 10.05.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

3. 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.248 of 2021, registered under Sections 307 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other co-accused persons assaulted the informant's side and also abused them by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He further submits that as per the injury report, the injuries are of simple in nature. Appellant nos.1, 2, 3 and 6 have one criminal antecedent and appellants nos.4 and 5 have no criminal antecedents, as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for



bail by submitting that the appellants have abused the informant's side by taking their caste name.

7. In the facts and circumstances of the case as the injuries are of simple nature, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.248 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

shikha/-

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

