

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1930 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- OBRA District- Aurangabad

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1. KAMLESH YADAV Son of Late Ramdeep Yadav Resident of Village- Bharub, P.S.- Obra, District- Aurangabad
 2. CHANDAN KUMAR Son of Rajkumar Yadav Resident of Village- Bharub, P.S.- Obra, District- Aurangabad
 3. VIKASH KUMAR Son of Rajkumar Yadav Resident of Village- Bharub, P.S.- Obra, District- Aurangabad
 4. ARJUN YADAV Son of Late Munarik Yadav Resident of Village- Bharub, P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. UMESH PASWAN SON OF RAM NATH PASWAN R/O- VILL- BHAROOB TOLA HARIHARGANJ, P.S- OBRA, DIST.- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vyas Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Rahul Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 14.09.2022, the appeal with regard to some other appellants were dismissed as withdrawn. The appeal is being heard today with regard to the remaining above named appellants.

This is an appeal under section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 24.03.2022, passed by learned Additional District Judge-I cum Special Judge (SC & ST), Aurangabad, in connection with Obra P.S. Case No.302 of 2021, registered u/s 341, 323, 504, 506, 307, 342 and 354/34 of the IPC, section 27 of the Arms Act and sections 3(i)(r)/3(1) S/3(2) (Va) of the SC/ST Act.

Allegedly, the accused namely Brij Kishore Yadav and Jitendra Yadav stopped the motorcycle of the informant's cousin and started abusing with caste name and thereafter, they assaulted him with rod. It is further alleged that the appellants and other co-accused persons came on his door and assaulted him, his aunt and his relative with rod.

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. It is 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 informant's side. The specific allegation is against co-accused Brij Kishore Yadav. Appellants have no criminal antecedent.



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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants, 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 Additional District Judge-I cum Special Judge (SC & ST), Aurangabad, in connection with Obra P.S. Case No.302 of 2021, 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 partly allowed.

(Anjani Kumar Sharan, J)

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