

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2305 of 2023**

Arising Out of PS. Case No.-572 Year-2022 Thana- BAKHTIYARPUR District- Patna

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1. RUDAL KUMAR @ RUDAL YADAV @ GOLU KUMAR SON OF SUNIL YADAV @ LOLO YADAV @ SUNIL RAY Resident of Village- Rani Sarai, P.O. and P.S.- Bakhtiyarpur, District-patna
  2. SUDAMA KUMAR @ SUDAMA YADAV @ KUMAR SON OF RAVAN RAY @ BADHA YADAV @ AWADH KISHORE YADAV Resident of Village- Rani Sarai, P.O. and P.S.- Bakhtiyarpur, District-Patna
  3. PANKAJ KUMAR @ PANKAJ YADAV @ kUMAR SON OF UPENDRA YADAV Resident of Village- Rani Sarai, P.O. and P.S.- Bakhtiyarpur, District-Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. SUSHILA DEVI WIFE OF LATE DILIP PASWAN Resident of Village- Ranisarai, P.O. and P.S.- Bakhtiyarpur, District-Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shambhu Sharan Singh  
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      08-11-2023                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned Spl.PP for the State informed the informant to appear in the present case through her counsel but nobody entered appearance on 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 29.03.2023 passed by learned Exclusive Special Court, (SC/ST Act), Patna in connection with Bakhtiyarpur P.S. Case No.572 of 2022, registered under Sections 323, 341, 504, 506 of the Indian Penal Code and Section 3(1) (r) (w)(s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other co-accused persons assaulted the son of the informant with an intention to kill him. It is further alleged that when the family members of the informant went to get her son treated, all the appellants again came and assaulted her and abused by taking her 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been occurred not in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that the injuries were kept reserved but the nature of the injury as per the case diary shows the injuries as pain with swelling on left eye,



pain in chest and hematemesis. Appellants nos.1, 2 and 3 have one criminal antecedent and appellant no.4 has no criminal antecedent, as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case, 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 Court, (SC/ST Act), Patna in connection with Bakhtiyarpur P.S. Case No.572 of 2022, 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)**

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