

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2201 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- GURUA District- Gaya

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1. RAJDEO YADAV @ BIJLI YADAV @ RAMDEO YADAV SON OF SHIV RATAN YADAV @ SHIVBARAT YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.
 2. BIRENDRA KUMAR @ BIRENDRA YADAV SON OF LATE BALESHWAR YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.
 3. RAJDEO YADAV SON OF POKHAN YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.
 4. FULKESHWAR YADAV @ FULKESHWAR YADAV SON OF LATE AKLU YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.
 5. AJIT KUMAR SON OF UMESH KUMAR YADAV @ PREMAN YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.
 6. RAJA KUMAR @ SUBHASH GAURAV SON OF BIRENDRA KUMAR YADAV RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. SAURABH KUMAR SON OF BIRJU PASWAN RESIDENT OF VILLAGE- DHIBRA, P.S.- GURUA, DISTRICT- GAYA.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2023 At the outset, learned Special P.P. for the State submits that the informant was informed to plead in the present appeal through his counsel or through him, but today nobody appears on his behalf.

Heard Mr. Krishna Prasad Singh, learned Senior



Counsel assisted by Mr. Bhaskar Shankar for the appellants and the learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.05.2022, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Gurua P.S. Case No.88 of 2022, registered under Sections 147, 148, 149, 341, 323, 354 and 307 of the Indian Penal Code and Sections 3(1)(r)(w) of the SC/ST Act.

The appellants and other 10 unknown persons are said to have abused and assaulted the informant's side.

Learned Senior Counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the appellants have not abused the informant by naming his caste. It is also submitted that there is general and omnibus allegation against the appellants. It is further submitted that there is case and counter case between the parties also.



Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Gurua P.S. Case No.88 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

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