

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2549 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- SC/ST District- Lakhisarai

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1. SIYARAM YADAV Son of Baleshwar Yadav Resident of village - Maheshpur, P.S.- Chanan, District - Lakhisarai.
 2. Bindu Devi Wife of Siyaram Yadav Resident of village - Maheshpur, P.S.- Chanan, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Brahmchari Ranjit Kumar @ Ranjit Manjhi Son of Yogendra Bhuiyan Resident of village - Maheshpur, Post - Manpur, P.S.- Chanan, District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Prasad , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 25.04.2023 , passed in a case registered for the offence punishable under sections 341, 323, 427, 504, 506 /34 of the Indian Penal Code and sections 3(i)(r)(s)(f)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. On the alleged date and time of occurrence these appellants along with other co-accused persons assaulted and abused the the informant by caste name.

4. It is submitted that both the parties are co-villagers



and neighbour and due to petty dispute this false and concocted case has been lodged against these appellants. Allegation of assault is general and omnibus against these appellants and no specific overt act has been alleged against them. There is no eye witness of the alleged occurrence. F.I.R. does not reveal that any member of public was present on the place of occurrence, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A . D. J . 1st cum- Special Judge, SC/St, Lakhisarai, in connection with Lakhisarai SC/ST Police Station Case No. 16 of 2023 .

(Prabhat Kumar Singh, J)

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