

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2696 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. YOGENDRA YADAV @ YOGENDRA KUMAR Son of Devan @ Devnandan Yadav Resident of village - Asrain, P.S. - Tankuppa, Distt. - Gaya
2. Vijay Yadav Son of Lakhan Yadav Resident of village - Asrain, P.S. - Tankuppa, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. SHYAMSUNDAR PASWAN Son of Late Jairam Paswan Resident of village - Amraura, P.S. - Tharthari, Distt. - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manisha Prakash, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.PP. Mr. Sujit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 The present case is listed under the heading ‘*Office Notes*’ awaiting service report but learned counsel for the respondent no.2 appears in the present case, therefore, the case is being heard on merit.

2. Heard learned counsels for the parties.

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 25.05.2023 passed by learned Exclusive



Special Judge (SC/ST Act), Special Court, Gaya in connection with Muffasil P.S. Case No. 367 of 2023 registered under Sections 147, 148, 149, 341, 323, 307, 332, 353, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s)/3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that, on the basis of secret information, when the informant along with other officials reached at the place of occurrence, they saw that 20-25 sand loaded tractors were parked there. After seeing the police force, all the accused persons started fleeing away and when the informant tried to apprehend those accused persons, they assaulted the informant as a result of which he sustained injuries.

5. It is submitted by learned counsel for the appellants that appellants are quite innocent the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. They have been made accused in the present case merely on the



basis of confessional statement of apprehended co-accused. Except this confessional statement, there is no other material on record to show the complicity of the appellant in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellant nos.1 & 3 have one criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State as well as learned counsel for the informant opposes the prayer for bail and submits that the appellants have suppressed their criminal antecedent.

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 learned Exclusive Special Judge (SC/ST Act), Special Court, Gaya in connection with Muffasil P.S. Case No. 367 of 2023, 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.

9. The learned Court below is directed to verify the criminal antecedent of the appellants and if it is found that the appellants are involved in some other cases as what has been mentioned in Para 3 of the bail application, the bail bonds of the appellants shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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