

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2687 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- WAJIRGANJ District- Gaya

BIJAY YADAV @ BIJAY PRASAD S/O JAGDEO YADAV @ JAGDEO
PRASAD R/O Village- Tothi, PS. Wazirganj, Dist.Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. KUNTI DEVI W/O SURENDRA MANJHI R/O Village- Tothi, PS.
Wazirganj, Dist.Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Despite valid service of notice, nobody appears on
behalf of the respondent no.2.

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 25.11.2022 passed by learned Exclusive
Special Judge (SC/ST Act), Gaya in connection with Wazirganj
P.S. Case No.547 of 2022, registered under Sections 447, 323,
354, 504, 34 of the Indian Penal Code and Section 3(i) (r) (s) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant and other co-accused persons entered into the house of the informant and abused and assaulted her.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has 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 made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. He further submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. APP (SJ) No.160 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case as similarly



situated co-accused has been granted bail, let the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Wazirganj P.S. Case No.547 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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