

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2749 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Lakhisarai

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1. BHOPALI YADAV Son of Chandu Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 2. Sonu Yadav @ Pai Son of Chandu Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 3. Vinod Yadav @ Koka Son of Mahendra Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 4. Guddu Yadav Son of Suren Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 5. Angad Yadav @ Angad Kumar Son of Mahendra Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 6. Lalu Yadav Son of Kishori Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 7. Mauli Yadav Son of Rambalak Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.
 8. Ranjit Yadav Son of Manohar Yadav Resident of Village - Nawabganj, P.S.- Suryagarha, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Guddu Kumar Son of Munna Ram Resident of village - Nawabganj, P.S.- Suryagarha, Dist. - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mayank Bilochan
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Binay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. 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 19.05.2023 passed by learned Additional District & Sessions Judge 1st cum-Special Judge (SC/ST Act), Lakhisarai SC/ST in connection with Lakhisarai SC/ST P.S. Case No.22 of 2023, registered under Sections 354, 308 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons abused the informant by taking his caste name. On protest, the appellants assaulted the informant and his sister.

4. 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 due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He further submits that the injuries are of simple nature (Annexure-3). There is no specific allegation against the appellants to abuse the informant by taking any specific caste name. Appellants have no criminal antecedent, except appellant nos.1, 2 who have one criminal antecedent and appellant no.3 who has five as mentioned in para-



3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail. It is submitted by learned counsel for the informant/respondent no.2 that the appellants are also involved in the present case and also the appellants have threatened the informant for dire consequences.

6. Considering the facts and circumstances of the case as there is no specific overt act against the appellants, let 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 Additional District & Sessions Judge 1st cum-Special Judge (SC/ST Act), Lakhisarai SC/ST in connection with Lakhisarai SC/ST P.S. Case No.22 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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