

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2807 of 2023

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

1. Rajo Yadav @ Raju Yadav @ Raazi @ Rajiv Yadav Son of Ramkishun Yadav Resident of village - Asrain, P.S.- Tankuppa, District - Gaya
2. Kaila Yadav @ Nand Kishor Kumar @ Kailu Yadav Son of Ramphal Yadav Resident of village - Kharhari, P.S.- Muffasil, District - Gaya

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 28.03.2023 passed by learned Exclusive Special Judge (SC/ST Act), Special Court, Gaya in connection with Muffasil P.S. Case No. 367 of 2023 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, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



3. As per the prosecution case, 24 FIR named accused persons including appellants and 40-50 unknown attacked, abused the informant by caste named and assaulted the informant and other police officials, as a result of which informant sustained injuries.

4. It is submitted on behalf of the appellants there is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST Act is made out, as the occurrence has not taken place within public view.

5. Counsel for State however vehemently opposed the prayer for bail and submitted that appellants have got criminal antecedents.

6. Considering the nature of accusation and criminal antecedents, I am not inclined to enlarge the appellants above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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