

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2449 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- HISUWA District- Nawada

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1. ARJUN YADAV Son of Nathun Yadav Resident of village- Oro, P.S.- Hisua, District- Nawada
 2. Chanchal Yadav Son of Jageshwar Yadav Resident of village- Oro, P.S.- Hisua, District- Nawada
 3. Binod Yadav Son of Jageshwar Yadav Resident of village- Oro, P.S.- Hisua, District- Nawada
 4. Dina Yadav @ Sunil Yadav Son of Nathun Yadav Resident of village- Oro, P.S.- Hisua, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Paswan Son of Sarju Paswan Resident of village- Oro, P.S.- Hisua, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Jawed Gaffar Khan, Advocate
		Mr. Arun Kr. Pd , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2023 Heard learned counsel for the appellants, the State
and respondent no.2.

The present appeal is directed against the order dated 10.06.2022, passed in a case registered for the offence punishable under Sections 341, 323, 308, 504, 506, 34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.



On the alleged date and time of occurrence, all the F I R named accused persons including these appellants have assaulted and abused by caste name, to the informant and his wife.

It is submitted that the allegation of assault is general and omnibus. There is no specific allegation of assault or abuse by the caste name against these appellants. No case under SC/ST Act is made out as the alleged occurrence did not take place within the public view.

Learned counsel for the state and respondent no.2 opposed the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 10.06.2022 is set aside.

Accordingly, in the event of arrest or surrender these appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 Exclusive Special Court SC/ST Act Nawada in connection with Hisua P.S. Case No. 67 of 2022, subject to the



condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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