

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3097 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- TANKUPPA District- Gaya

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1. AKHILESH KUMAR SON OF NARESH YADAV RESIDENT OF VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA
 2. SAHDEV YADAV SON OF MUNESHWAR YADAV RESIDENT OF VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA
 3. NARESH YADAV @ NARESH PRASAD SON OF MUNESHWAR YADAV RESIDENT OF VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA
 4. DINESH YADAV SON OF MUNESHWAR YADAV RESIDENT OF VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SOMAR PASWAN SON OF LATE PASO PASWAN RESIDENT OF VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA (WARD MEMBER, WARD NO. 12)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 17.05.2023 passed by learned Exclusive Special Judge (SC/ST Act), Special Court, Gaya in connection with Tankuppa P.S. Case No.54 of 2020, registered under Sections 379 and other allied Sections of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, the informant went to install tap in the house of the accused persons and an altercation for installation of two taps raised and thereafter, the appellants and other accused persons assaulted the informant.

5. 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 allegation of abusing the informant against the appellants. He further submits that similarly situated co-accused persons have been granted bail by this Court in Cr. APP (SJ) No.3173 of 2023 vide order dated 11.10.2023. Appellants have no criminal antecedent as mentioned in para-3 of memo of



appeal.

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

7. In the facts and circumstances of the case, 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 Exclusive Special Judge (SC/ST Act), Special Court, Gaya in connection with Tankuppa P.S. Case No.54 of 2020, 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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