

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3173 of 2023

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

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1. FAGUNI YADAV SON OF DHAKO YADAV RESIDENT OF VILLAGE-MANMADHO, PS- TANKUPPA, DIST- GAYA
 2. PAPPU YADAV SON OF FAGUNI YADAV RESIDENT OF VILLAGE-MANMADHO, PS- TANKUPPA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of 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, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about his appearance in the appeal but nobody appears on his behalf.

3. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 31.05.2023, passed by learned Exclusive Special Judge, SC/ST, Special Court, Gaya, in connection with



Tankuppa P.S. Case No.54 of 2020, registered u/s 147, 149, 341, 323, 324, 379, 504 of the IPC read with section 3(r)(s) of the SC/ST Act.

4. As per the F.I.R., 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 accused persons assaulted the informant with iron rod.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants to abuse the informant. Appellants have one criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by this Court vide Cr. Appeal (SJ) No.3174 of 2023 dated 20.09.2023.

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

7. Considering the facts and circumstances of the case, since similarly situated co-accused have been granted anticipatory bail, let the appellants named above, in the event of their 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, 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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