

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3393 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA PS District- Gaya

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1. SANTI YADAV @ KUNDAN KUMAR SON OF CHARITAR YADAV
RESIDENT OF VILLAGE KALDASPUR, POST -CHURI, PS
-CHANDAUTI, DISTRICT -GAYA
 2. CHANDAN YADAV @ CHANDAN KUMAR SON OF CHARITAR
YADAV RESIDENT OF VILLAGE KALDASPUR, POST -CHURI, PS
-CHANDAUTI, DISTRICT -GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNI KUMARI DAUGHTER OF ANTU RAM RESIDENT OF
VILLAGE SHAHBAJPUR, PS- CHANDAUTI, DISTT- GAYA, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Anand, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2023, he informed the informant to appear in the present appeal through her counsel.

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 28.06.2023 passed by learned Exclusive



Special Judge, S.C./S.T., Gaya in connection with Mahila P.S. Case No. 05 of 2023 registered under Sections 341, 323, 354/34 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that on 26.01.2023 at around 12 PM, at noon, when the informant was going towards her farm, co-accused Raja Kumar came there and tried to rape with her. Hearing the alarm, when some villagers as well as informant's family members came there to save her, both the appellants started assaulting her family members with *lathi* and belt due to which they sustained injuries.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They 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 specific allegation against co-accused Raja Kumar. It is further submitted that there is compromise between the parties, as mentioned in Para 9 of the bail application. 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, as there is no specific overt act against the appellants, 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, S.C./S.T., Gaya in connection with Mahila P.S. Case No. 05 of 2023, 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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