

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3013 of 2022**

Arising Out of PS. Case No.-145 Year-2022 Thana- FATEHPUR District- Gaya

1. BISHAN YADAV @ BISHUN YADAV SON OF KHIRU YADAV R/O VILLAGE- KENDUA, P.S.- FATEHPUR, DISTRICT- GAYA
2. BIMLA DEVI W/O BISHUN YADAV R/O VILLAGE- KENDUA, P.S.- FATEHPUR, DISTRICT- GAYA

... .. Appellants.

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha
For the Respondent/s	:	Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 30-08-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 07.12.2022, he has informed the informant but none is present on his 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 02.08.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 145/2022 registered under Sections 147, 149, 341, 323, 504, 506 and 307 of the Indian Penal Code and Section 3(1) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the F.I.R. named accused persons including these appellants are said to have 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 and land dispute. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The specific allegation is against co-accused, Ajay Yadav who assaulted Chandan Choudhary and Santosh Chaudhary by means of axe. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is case and counter case between the parties. 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 well as the fact that no specific overt act has been attributed against the appellants, let the 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), Gaya in connection with Fatehpur P.S. Case No.145/2022, 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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