

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3515 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- TANKUPPA District- Gaya

BACHU YADAV @ BACHU PRASAD YADAV Son of Chalitar Yadav R/V-
Tilheta P.S- Tankuppa, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi Wife of Ramprasad Chaudhary R/V- Tilheta, P.S- Tankuppa,
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mr.Vishwa Ranjan Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2023 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
25.08.2022 passed by learned Exclusive Special Judge, SC/ST,
Gaya in A.B.P. No. 201/2022, arising out of Tankuppa P.S.
Case No. 98 of 2022 registered for the offence punishable under
Sections 147, 149, 341, 323, 354, 427, 504, 506 of the Indian
Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and
the Scheduled Tribes (POA) Act (for short “SC/ST Act”),
whereby the prayer for anticipatory bail of appellant was
rejected.

It is alleged that all the F.I.R. named accused persons
including this appellant assaulted the informant and his family



members, on account of which, three family members of informant sustained injury.

Learned counsel for the appellant submits that allegation of assault is general and omnibus. F.I.R. is afterthought, as the same has been lodged after a delay of three days. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out. The appellant claims clean antecedent.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 25.08.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Tankuppa P.S. Case No. 98 of 2022.

(Prabhat Kumar Singh, J)

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