

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3655 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- BELAGANJ District- Gaya

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1. UDAY YADAV @ UDAI KUMAR Son of Nageshwar Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 2. PINTU YADAV Son of Mahabir Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 3. SHAILESH YADAV @ SHAILESH KUAMAR Son of Ganauri Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 4. SANJAY YADAV Son of Bindeshwar Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 5. RAJIV KUMAR @ RAJU KUMAR Son of Vijay Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 6. SHARWAN KUAMAR Son of Rajendra Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya
 7. DHARMENDRA KUMAR @ DHARMENDRA YADAV Son of Dukhu Yadav @ Jaldhar Yadav R/v- Salepur, P.S.- Belaganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Kumar Ramswarup Ram Resident of Village-Salepur, P.S.-Belaganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinod Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr.Binod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-09-2023 Heard learned counsels for the parties.

2. Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant nos. 1, 2, 3, 5 & 7 submitting that during pendency of this appeal appellant nos. 1, 2, 3, 5 & 7 have already been apprehended.

3. Permission is granted.



4. Accordingly, this appeal is dismissed as withdrawn in respect of appellant nos. 1, 2, 3, 5 & 7 only.

5. Now, this application survives for appellant nos. 4 & 6 only.

6. 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 30.07.2022 passed by learned Special Judge, SC/ST Court, Gaya in connection with Belaganj P.S. Case No. 182 of 2022 registered under Sections 147, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. Allegedly, during voting of Panchayat election, all the accused persons came to the informant and objected him to cast his vote. On protest, all the accused persons abused the informant by taking his caste name and assaulted him with lathi-danda causing him head injury and when his mother and brother came to rescue him, they were also assaulted.

8. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no



offence. 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 specific allegation of assault the informant against co-accused Pintu Yadav and Uday Yadav. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State as well as learned counsel for the informant oppose the prayer for bail.

10. In the facts and circumstances of the case, as there is no allegation of slating the informant in the specific name of his caste, the above named appellant nos. 4 & 6, 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 Special Judge, SC/ST Court, Gaya in connection with Belaganj P.S. Case No. 182 of 2022 , subject to the condition as laid down under Section 438 (2) of



the Cr.P.C.

11. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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