

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3739 of 2022**

Arising Out of PS. Case No.-291 Year-2022 Thana- OBRA District- Aurangabad

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1. BHOLA YADAV @ BHOLA SINGH S/O- Rajdeo Yadav @ Rajdeo Singh R/O Village- Chakpar, P.S- Obara, District- Aurangabad
  2. RAJDEO YADAV @ RAJDEO SINGH S/O Late Chalitar Yadav R/O Village- Chakpar, P.S- Obara, District- Aurangabad
  3. RAUSHAN YADAV @ RAUSHAN KUMAR S/O Bhola Yadav @ Bhola singh VILLAGE CHAKPAR P S OBRA DISTRICT AURANGABAD

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MUNNA RAM S/O Shiv Narayan Ram R/O Village- Sananpura, P.s- Obara, District- Aurangabad

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Krishna Prasad Singh, Sr. Adv.<br>Mr. Bhaskar Shankar, Adv. |
| For the Respondent/s | : | Mr. Sadanand Paswan, APP.<br>Mrs. Mukul Kumari, Adv.            |

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

3      02-03-2023      Heard the parties.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

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 21.09.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with



Obra P.S. Case No. 291 of 2022 registered under Sections 379, 504, 506, 323, 341/34 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.

Allegedly, the appellants are said to have snatched Rs. 40,000/- from the informant's pocket. They also abused and assaulted him.

It is submitted by learned senior counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Informant has sustained injury but the injury sustained by the informant is simple in nature. 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. It is further submitted that the occurrence took place between the informant and appellant no.1, but all male members of the family of the appellant no.1, including old aged father of appellant no.1 has been dragged in this case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.



Learned Spl. PP for the State as well learned counsel for the respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, as there is no specific allegation against the appellants to abuse the informant by taking his caste name, 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Obra P.S Case No. 291 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

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