

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.76 of 2022

Arising Out of PS. Case No.-66 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

1. Radhey Krishna Prasad Yadav @ Radhey Krishna Prasad Son Of Punya Dev Rai Resident Of Village- Turkawaliya, P.S.- Muffasil, District- Saran At Chapra.
 2. Ram Kishore Prasad Yadav @ Ram Kishore Prasad Son Of Punya Dev Rai Resident Of Village- Turkawaliya, P.S.- Muffasil, District- Saran At Chapra.
 3. Braj Kishore Prasad Yadav @ Braj Kishore Prasad Son of Punya Dev Rai Resident of Village- Turkawaliya, P.S.- Muffasil, District- Saran at Chapra.
- Appellants

Versus

1. The State of Bihar
 2. Mahesh Ram S/o Late Shiv Lochan Ram R/o village- Turkawaliya, P.O.- Nani, P.S.- Muffasil, District- Saran at Chapra
- Respondents

Appearance :

For the Appellants : Mr.Yugal Kishore, Advocate
For the Respondents : Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 29-03-2023 Despite valid service of notice to respondent no.2, nobody appears for him. Heard learned counsel for the appellants and the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 21.2.2018 passed by Additional Sessions Judge I, Saran at Chapra in a case registered for offence punishable under sections 341, 506, 384 of the IPC read with sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, while the informant and other villagers were protesting the visit of enquiry committee for shifting of election booth, these appellants and other accused



persons abused the informant by caste name and also threatened him.

It is submitted on behalf of the appellants that there is general and omnibus allegation against these appellants and no specific overt act has been alleged against them. Moreover, it is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Appellants have got no criminal antecedent.

Counsel for the State opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed and the impugned order dated 21.2.2018 is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I, Saran at Chapra in Muffasil Police Station Case No. 66 of 2016.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

