

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4200 of 2022**

Arising Out of PS. Case No.-435 Year-2022 Thana- KONCH District- Gaya

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1. SAURAV KUMAR SON OF DHARMENDRA YADAV R/O VILLAGE-KHAJURI, P.S.- KONCH, DISTRICT- GAYA
 2. GAURAV KUMAR SON OF DHARMENDRA YADAV R/O VILLAGE-KHAJURI, P.S.- KONCH, DISTRICT- GAYA
 3. DHARMENDRA YADAV SON OF LATE TONHA YADAV R/O VILLAGE- KHAJURI, P.S.- KONCH, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SANGAM KUMARI D/O RAJESH KUMAR @ RAJESH KUMAR RAJAK R/O VILLAGE- KHAJURI, P.S.- KONCH, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ujjawal Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1,SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-07-2023 1. Heard learned counsel for the appellants, the State
and respondent no.2.

2. The present appeal is directed against the order dated 02.11.2022, passed in a case registered for the offence punishable under Sections 341/323/354(B)/504/506/34 of the Indian Penal Code read with Sections 3 (1) (w) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

3. It is alleged that all the accused person used to abuse for last one year on mobile by his caste name and when uncle of the informant went to the house of accused to make



complain then all the accused persons including these appellants abused him by caste name and threatened with dire consequences.

4. It is submitted that both parties are co-villagers and due to petty dispute this false and concocted case has been lodged. There is general and omnibus allegation against this petitioner. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent. Appellants claim clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 02.11.2022 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 learned Exclusive Special Judge, SC/ST, Gaya in connection



with Konch P.S. Case No. 435 of 2022 subject to the condition
as laid down under Section 438 (2) of the Code Of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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