

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4258 of 2022**

Arising Out of PS. Case No.-858 Year-2022 Thana- GAYA MUFASIL District- Gaya

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1. MUKESH YADAV S/O Munarik Yadav R/O Village- Jamuawan, P.S- Mufassil, District- Gaya
 2. RAMPATI YADAV @ SABHAPATI YADAV Son of Prakash Yadav R/O Village- Jamuawan, P.S- Mufassil, District- Gaya
 3. SHANKAR YADAV @ SHANKAR KUMAR Son of Dwarika Yadav @ Dwarik Yadav R/O Village- Jamuawan, P.S- Mufassil, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJU DEVI W/O SUNIL PASWAN R/O Village- Jamuawan, P.S- Mufassil, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Manisha Prakash
For the Respondent/s	:	Mrs. Usha Kumari 1
	:	Mr. Manish Kumar

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

4 26-04-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 11.11.2022 passed by learned Exclusive Special Judge, SC/ST Gaya in connection with Muffasil P.S. Case No. 858/2022, registered under Sections 341, 342, 323,



324, 354, 379, 504 and 506/34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants to assaulted the informant inside the house. There is no specific overt act against any of these appellants. Appellants no.2 & 5 have got no criminal antecedent, appellant no.1 & 3 have got one criminal antecedent and appellant no.4 has got two criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants are also involved in the assaulting of the respondent no.2/informant.

In the facts and circumstances of the case and the fact that injury is not mentioned in impugned order and learned counsel for the respondent no.2/informant does not produce any document to show the injury of the victim and the fact that two persons have already been apprehended by the Police, let 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Gaya in connection with Muffasil P.S. Case No. 858/2022, 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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