

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4420 of 2022**

Arising Out of PS. Case No.-184 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. Anuj Kumar S/O Awadhesh Singh Resident Of Village- Tarari, P.S.- Daudnagar, District- Aurangabad.
2. Mukesh Kumar @ Bhura S/O Akhilesh Singh @ Akhilesh Kumar Resident Of Village- Tarari, P.S.- Daudnagar, District- Aurangabad.
3. Pappu Kumar S/O Maladeo Yadav Resident Of Village- Tarari, P.S.- Daudnagar, District- Aurangabad.
4. Ramgati Yadav S/O Ramdayal Singh Resident Of Village- Tarari, P.S.- Daudnagar, District- Aurangabad.
5. Ajay Yadav S/O Devnandan Yadav Resident Of Village- Tarari, P.S.- Daudnagar, District- Aurangabad.

... .. Appellants

Versus

1. The State Of Bihar

2. Reena Devi

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2		Ms/Mrs. Mukul Kumari, Advocate

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

3 19-07-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 19.10.2022, passed in a case registered for the offence punishable under sections 379, 452,504/34 of the IPC and sections 3(i)(b)(d)(n)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby



prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, all the FIR named accused persons including these appellants entered the house of the respondent no.2, assaulted him and his family members with lathi, danda, fists and abused them by caste name.

4. Learned counsel appearing for the appellants submits that the dispute arose due to casting of vote in panchayat election and taking advantage of the situation, this false case has been lodged against the appellants in order to humiliate and harass them. Allegation of assault is general against them. Incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let all the appellants, named above, in the event of arrest/surrender 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 cum Special Judge, SC/ST Act, Aurangabad in Daudnagar
Police Station Case No. 184 of 2022.

(Prabhat Kumar Singh, J)

shashi/-

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

