

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.129 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Garju Yadav S/O Late Gudri Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 2. Santosh Yadav S/O Garju Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 3. Shivbansh Yadav S/O Late Ramjank Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 4. Pyari Devi W/O Garju Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 5. Jeera Devi W/O Lalabhadure Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 6. Dhanvarti Kunwar @ Kalvanti Devi @ Kalavati Devi W/O Late Lal Dev Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 7. Vidhyanchali Devi @ Bidhchaley Devi W/O Rajesavar Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).
 8. Satendra Yadav S/O Late Lal Dev Yadav Resident Of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinto Paswan S/o Shri Niwash Paswan Resident of Village - Bhoreyan , Thana- Belaon, District - Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kiran Kumari Sharma, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. Public Prosecutor
for respondent no.2		Mr. Perwej Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2023 Appeal for pre-arrest bail of appellant no.1 is dismissed as withdrawn as he has been arrested during pendency of the appeal as per bench slip dated 17.4.2023.

2. Heard learned counsel for the appellants no. 2 to 8, the State and respondent no.2.



3. This appeal has been filed for setting aside order dated passed in a case registered for the offence punishable under sections 341, 427, 354B and other ancillary sections of the IPC and sections 3(i)(r)(s)(w)/3(2)(y)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

4. As per the prosecution case, appellants abused respondent no.2 with caste name. They also assaulted him and when his mother came to save him, appellant no.2 and co-accused Chhote Lal Yadav disrobed her.

5. Learned counsel appearing for the appellants submits on account of land dispute, parties are on litigating terms. Allegation of assault is general against these appellants and no specific overt act has been alleged against them. Incident did not take place within the public view, as such, no case under SC/ST Act is made out.

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

7. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside with respect to appellants no.2 to 8. Let appellants no. 2 to 8, 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, Kaimur at Bhabua in Bhagwanpur (Belaon) Police Station Case No. 222 of 2022.

(Prabhat Kumar Singh, J)

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