

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.23 of 2023

Arising Out of PS. Case No.-876 Year-2022 Thana- BARACHATTI District- Gaya

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1. Manju Devi Wife Of Lakshman Yadav R/O Village- Kundil, P.S.- Barachatti, District- Gaya
 2. Narayan Yadav Son Of Jethu Mahto R/O Village- Kundil, P.S.- Barachatti, District- Gaya
 3. Ravi Yadav @ Ravindra Kumar Son Of Satyendra Yadav R/O Village- Kundil, P.S.- Barachatti, District- Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Bishambhar Paswan Son Of Late Shukar Paswan R/O Village- Kundil, P.S.- Barachatti, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Nikhil, Advocate
For the State : Mr.Binay Krishna, Spl. Public Prosecutor

for respondent no.2 Mr. PK Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2023 Petition for pre-arrest bail of appellant no.2 is
dismissed as withdrawn.

2. Heard learned counsel for the appellant no. 1 and
3, the State and respondent no.2.

3. This appeal has been filed for setting aside order
dated 11.11.2022, passed in a case registered for the offence
punishable under sections 379/504/506/34 and other ancillary
sections of the IPC and sections 3(i)(r)(s) (w)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, appellant no.1 is alleged to have snatched gold chain from the son of the respondent no.2.

5. Learned counsel appearing for the appellants submits that there is no allegation of assault causing grievous injury to respondent no.2 is against other accused person and there is no allegation of assault against these appellants. Incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

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 appellant no. 1 and 3. Let these 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 Exclusive Special Judge, SC/ST Act Gaya in Barachatti



Police Station Case No. 876 of 2022.

(Prabhat Kumar Singh, J)

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