

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.237 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Nawlesh Yadav @ Navlesh Yadav @ Navlesh Kumar Son of Praneshwar Yadav @ Rameshwar Yadav Resident of Village - Tothi, Police Station- Wazirganj, District - Gaya.
2. Prabhu Yadav @ Prabhu Prasad Son of Visheshwar Prasad @ Lakarsungh Yadav Resident of Village - Tothi, Police Station- Wazirganj, District - Gaya.
3. Pintu Yadav @ Pintu Prasad Son of Rameshwar Prasad Yadav @ Bisheshwar Yadav Resident of Village - Tothi, Police Station- Wazirganj, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kunti Devi Wife of Surendra Manjhi Resident of Village - Tothi, Police Station- Wazirganj, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gajendra Kumar Singh
For the informant	:	Mr.Shailesh Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 25.11.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Wazirganj P.S. Case No. 547 of 2022 under Sections 447, 323, 354, 504, 34 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby



the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, on the alleged date and time of occurrence, all the FIR named accused persons including appellants entered the house of informant abused and assaulted her.

It is submitted that due to petty dispute between the parties, this false and concocted case has been lodged with a view to harass the appellants. The alleged occurrence took place inside the house of informant, therefore, no case under SC/ST Act is made out. Allegation is general and omnibus. Injury report is not available on record. Appellants have got clean antecedents.

Counsel for respondent no. 2 vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 12.12.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six 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 learned Exclusive Special
Judge (SC/ST Act), Gaya in connection with Wazirganj P.S.
Case No. 547 of 2022.

(Prabhat Kumar Singh, J)

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