

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.220 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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ASHISH KUMAR SON OF RAMJI YADAV RESIDENT OF VILLAGE -
GYANKHAP, P.S. - MAGADH UNIVERSITY, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KAUSHMI DEVI WIFE OF JILAL MANJHI RESIDENT OF VILLAGE -
GYANKHAP, P.S. - MAGADH UNIVERSITY, DISTRICT - GAYA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Murad Ashraf, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 20.01.2023 passed in a case registered for the offence
punishable under Sections 147, 149, 341, 323, 354 and 379 of
the Indian Penal Code and Section 3(1)(r)2(v-a) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.



4. Prosecution case in short is that on 12.08.2023 at about 10 PM, while the informant was sleeping at her house, in the meantime, all the F.I.R. named accused persons, including this appellant, in intoxicated state, entered the house, abused her and assaulted the son of the informant. It is also alleged that co-accused Harendra Kumar snatched gold locket from the neck of the informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that allegation of assault is general and omnibus. As per F.I.R. itself, co-accused Harendra Kumar snatched golden locked from neck of the informant. So far as this appellant is concerned, there is no allegation of any overt act or abuse by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 20.01.2023 passed by the Court of learned Exclusive Special Judge, SC & ST, Spl Court, Gaya, in connection with A.B.P. No. 394 of 2023 arising out of Magadh University P.S. Case No. 280



of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC & ST, Spl Court, Gaya, in connection with Magadh University P.S. Case No. 280 of 2023.

(Prabhat Kumar Singh, J)

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