

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1456 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

SRI BHAGWAN YADAV @SRI BHAGWAN SINGH @ BHAGWAN
YADAV SON OF LATE RAM ASHISH YADAV RESIDENT OF VILL-
MILKI, PS- UDWANTNAGAR, DISTT- BHOJPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHANDAN KUMAR SON OF LATE MAHESH RAM RESIDENT OF
VILLAGE- KARWA, PS- ARA MUFFASIL, DISTT- BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Raju Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-11-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 16.02.2024 passed in a case registered for the offence punishable under Sections 363, 365 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail to the appellant has been rejected.

3. As per prosecution case, on 18.11.2023, a quarrel took place between brother of informant and other co-accused persons while playing cricket. Thereafter, it is alleged that on 25.11.2023 at about 4 o'clock, all the F.I.R. named accused



persons took away brother of informant, who is still traceless.

4. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is not named in the F.I.R.. From bare perusal of the F.I.R. it is apparent that specific accusation is against other F.I.R. named accused persons. So far as this petitioner is concerned, he has been made an accused in this case merely because he happens to be father of other co-accused persons. There is no specific accusation of overt act against this appellant 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.

5. On the other hand, learned Spl. P.P. appearing for the respondent-State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 16.02.2024 passed by the learned Exclusive Special Judge, SC/ST, Ara Bhojpur, in connection with A.B.P. No. 312 of 2024 arising out of Ara Muffasil P.S. Case No. 504 of 2023 is hereby set aside with respect to this appellant only.



7. 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 learned Exclusive Special Judge, SC/ST, Bhojpur at Ara, in connection with Ara Muffasil P.S. Case No. 504 of 2023.

(Prabhat Kumar Singh, J)

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