

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2115 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- BELAGANJ District- Gaya

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1. Munna Yadav @ Munna Kumar S/o Late Jagdev Yadav R/o vill - Nimchak, P.s. - Belaganj, Distt. - Gaya
 2. Ajay Kumar @ Ajay Yadav S/o Dinesh Kumar R/o vill - Nimchak, P.s. - Belaganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Chaudhary S/o Late Devnath Chaudhary R/o vill - Balna, P.S. - Chandauti, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Durgesh Nandan, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For Respondent – 2	:	N O N E

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-08-2024 Heard learned counsel for the appellants and learned Special P.P. for of the State. Today again, nobody appears on behalf of Respondent No. 2, though name of counsel for Respondent no. 2 i.e. Mr. Vinod Kumar is appearing in the daily cause list.

2. This appeal has been filed against the order dated 04.04.2024 passed by learned Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 107 of 2024, arising out of Belaganj P.S. Case No. 340 of 2023, registered under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code and Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby



the prayer for anticipatory bail of appellants has been rejected.

3. Allegation against appellants and other co-accused is that on 26.05.2023, they abused the son of informant by caste name and thereafter, assaulted him by means of *lathi* and *danda*, due to which, during treatment he died.

4. Learned counsel for the appellants submits that appellants are not named in the F.I.R. and after two months & 14 days of the occurrence, on an application, filed by the informant, appellants have been made accused. Informant is not eye-witness to the alleged occurrence and only on the basis of hearsay witness, this false and concocted case has been lodged. There is no allegation of abuse against these appellants and as such, no offence under the SC/ST Act is made out. The F.I.R. named accused persons have already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 14.05.2024 passed in Cr.Appeal (SJ) No. 1654/2024 alongwith Cr.Appeal (SJ) No. 2212 of 2024. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal, filed for grant of anticipatory bail.

6. Considering the aforesaid facts and



circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 04.04.2024, so far as these appellants are concerned, is set aside.

7. Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, 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 learned Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 340 of 2023.

8. The criminal appeal is, accordingly, allowed.

(Prabhat Kumar Singh, J)

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