

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2221 of 2023

Arising Out of PS. Case No.-700 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. Rajesh Prasad @ Dara Yadav Son Of Rajrup Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
2. Gomal Yadav @ Raushan Kumar Son Of Rajendra Yadav @ Durga Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
3. Vijay Yadav Son Of Gopi Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
4. Harakhu Yadav @ Ramesh Kumar Son Of Ram Brichh Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
5. Mallu Yadav @ Ajay Kumar Son Of Baleshwar Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
6. Dilip Yadav @ Dilip Kumar Son Of Baleshwar Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya
7. Deepu Yadav Son Of Hem Narayan Yadav Resident Of Village- Iguna, Surhani Tola, Murkatta, Ps- Mufassil, And Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Parwati Devi Wife Of Late Alakhdeo Singh Resident Of Village- Surhari, Ps- Mufassil, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 05-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 10.04.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Gaya Mufassil P.S. Case No. 700 of 2021 dated 29.12.2021 registered for the offence/s punishable u/ss 448, 427, 323, 379, 385 read with section 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the appellants holding lethal weapons came to the field of the informant and assaulted the labourers and abused by calling caste name. Thereafter, they broke the wall by tractor and looted rod, cement and the accused Rajesh Kumar demanded Rs. 5 lacs as *rangdari*.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. Learned counsel has submitted that the informant belongs to general category. The appellant No. 2,3,4,5,6 and 7 have no criminal antecedents whereas the appellant no. 1 has one criminal antecedent as stated at para 3 of the bail petition.



5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 10.04.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Gaya Mufassil P.S. Case No. 700 of 2021 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gaya Mufassil P.S. Case No. 700 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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