

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2227 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- HASPURA District- Aurangabad

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ASHOK YADAV @ ASHOK KUMAR SINGH S/O CHANDRADEV
SINGH R/O Village- Salempur (Barouniya Bigha), P.S- Haspura, Distt.-
Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Paswan S/O Late Parmeshwar Paswan R/O Village- Salempur, P.S-
Haspura, Distt.- Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Pandey, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2024 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 15.04.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 324, 504, 506 and 34 of the
Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the prayer for anticipatory bail
of the appellant has been rejected.



4. The prosecution case , in brief, is that on the eve of Holi, at about 6 PM, while the informant and others were participating in Holi Milan Songs, in the meantime, all the F.I.R. named accused persons, including this appellant, came there and abused the informant and others by caste name and assaulted them. It is further alleged that when the family members of the informant came to save them, they were also assaulted by co-accused Lalu Yadav.

5 . It is submitted by learned counsel appearing on behalf of the appellant that the present case is counter blast of Haspura P.S. Case No. 71 of 2023. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. Moreover, the injury report on record does not corroborate the prosecution case. It is further submitted that the F.I.R. does not reveal that any member of the public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Similarly situated co-accused person namely Lalu Yadav with similar allegation has already been granted bail by this Court vide order dated 08.08.2024 in Cr. Misc. No. 2427 of 2023 . 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 fact that co-accused Lalu Yadav having similar allegation has already been granted bail by this Court, clean antecedent of the appellant and other circumstances of the case, this appeal is allowed and the impugned order dated 15.04.2023 passed by the learned Special Judge (SC/ST)-cumA.D.J. Ist, Aurangabad, in connection with Haspura P.S. Case No. 70 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 learned Special Judge (SC/ST)-cum-A.D.J. Ist, Aurangabad, in connection with Haspura P.S. Case No. 70 of 2023 .

(Prabhat Kumar Singh, J)

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