

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2357 of 2023

Arising Out of PS. Case No.-907 Year-2022 Thana- GAYA MUFASIL District- Gaya

OM PRAKASH @ OM PRAKASH YADAV Son of Hari Yadav Resident of
Village- Tapsi, Police Station- Muffasil, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Chaudhary Son of Gaya Chaudhary Resident of village- Channa
Police Station- Chandauti, District- Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 19-11-2024 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 28.03.2023, passed by learned Exclusive
Special Judge SC/ST, Gaya, in ABP No. 90 of 2023, is
under challenge in the present appeal preferred under
Section 14-A (2) of the Schedule Caste and Schedule
Tribes (Prevention of Atrocities) Act, 1989, whereby the
anticipatory bail application of the appellant in
connection with Muffasil Police Station Case No. 907 of
2022 registered for the offence punishable under Sections
341/323/307/504/506/34 of the Indian Penal Code and
Section 3(i)(r)(s) of the Schedule Caste/Schedule Tribe
(Prevention of Atrocities) Act, has been rejected.



3. The prosecution case, as per the First Information Report, is that on 11.11.2022, in the afternoon, when the informant, while on duty at Taj Mining Company, objected to theft made by the appellant and co-accused persons, they hurled caste based abuse and assaulted him. When informant's companion Shashi Shankar Singh came at rescue, the accused persons fled away. After sometime, the accused persons, including the petitioner and 20-25 unknown persons, arrived there, armed with lathi, danda, iron rod, etc., and assaulted the informant and his companion.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to previous enmity. The allegation against the appellant is general and omnibus in nature. He next submits that appellant and other accused persons are employee of same company, where the informant works and due to grudge and politics the appellant has been implicated in this case. In the alleged occurrence, no injury has been caused to the informant and his companion. He further submits that similarly situated co-accused Bablu Kumar @ Babloo Kumar @ Babloo and Pintu Yadav have been granted anticipatory bail by a Co-



ordinate Bench of this Court in Cr. Appeal (SJ) No. 1055 of 2024 and Cr. Appeal (SJ) No. 2612 of 2023, respectively.

5. Learned counsel for the State submits that the informant has been noticed by him, but he chose not to appear. He further submits that the similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1055 of 2024 and Cr. Appeal (SJ) No. 2612 of 2023.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that similarly situated co-accused have been granted anticipatory bail by Co-ordinate Bench of this Court, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 28.03.2023, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 90 of 2023, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Exclusive Special



Judge, SC/ST, Gaya, in connection with Muffasil Police Station Case No. 907 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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