

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2363 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- FATEHPUR District- Gaya

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AJAY YADAV Son of Yamuna Yadav Resident of village - Manpur, P.S. -
Fatehpur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. RUBI DEVI Wife of Nagina Paswan Resident of village - Manpur, P.S. -
Fatehpur, Distt. - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manisha Prakash, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-08-2024 Despite valid service of notice , nobody appears on

behalf of respondent No. 2. Heard learned counsel for the

appellant and learned Special Public Prosecutor for the State .

2. This appeal has been filed for setting aside order
dated 03.04.2023 passed in a case registered for the offence
punishable under sections 341, 323, 308 , 504, 506 and 34 and
other allied sections of the Indian Penal Code and sections 3(i)
(r)(s) of the Scheduled Castes and Scheduled Tribes Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

3 . As per prosecution case , on the alleged date and
time of occurrence , when informant was going towards the tank



of village to see immersion of Saraswati idol, all of a sudden a quarrel took place over singing filthy songs upon which all the F.I.R., named accused persons including this appellant armed with pistol, lathi, pasuli came there and assaulted and abused informant by caste name . It is further alleged that co-accused accused Binod Yadav abused informant and assaulted him by means of Pasuli, as a result of which he sustained cut injury upon his finger. Co-accused Sonu Kumar assaulted Guddu Paswan, and caught him bite with teeth, when Rahul and Kamla Devi came there to rescue then Ajay Yadav (Appellant) and co-accused Naresh Yadav assaulted them by Pasuli causing injury to them.

4. It is submitted on behalf of appellant that on the alleged date and time of occurrence, a quarrel took place between the parties for playing vulgar song on DJ . Case and counter case . Case lodged by this appellant is earlier in point of time . Injury allegedly caused by this appellant is simple in nature . There is no allegation of abuse by caste name against this appellant, as such , no case under SC / ST is made out against this appellant. Appellant claims clean antecedent.

5 . Learned Special Public Prosecutor for the State vehemently opposed the prayer for bail.



6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Exclusive Special Judge, SC/St, Gaya, in connection with A.B.P No. 93 of 2023 Fetehpur Police Station Case No. 70 of 2023 .

(Prabhat Kumar Singh, J)

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