

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2612 of 2023

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

PINTU YADAV Son of Bachchu Yadav Resident of village - Tapshi, P.S. -
Mufassil, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Papu Chaudhary Son of Gaya Chaudhary Village - Channa, Post -
Chhatubag, P.S. - Chandauti, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bindeshwar Prasad Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though notice has validly been served upon the
respondent no.2, but nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 08.05.2023 passed by learned Special Judge
(SC/ST Act), Gaya in connection with Muffasil P.S. Case No.
907 of 2022 registered under Sections 341, 323, 307, 504, 506,
34 of the Indian Penal Code and Section 3(i) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons abused the informant by taking his caste name and also assaulted him when the informant stopped them from committing theft. After sometime, 20-25 unknown persons came to co-worker Shashi Shankar Singh and assaulted him brutally with *lathi-danda* and iron rod.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No injury was found on the body of Shashi Shankar Singh. There is compromise between the parties and the compromise petition is annexed as Annexure-2 to this memo of appeal. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is compromise between the parties, the above named appellant, in



the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 907 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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