

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2735 of 2023

Arising Out of PS. Case No.-9 Year-2019 Thana- GAYA COMPLAINT CASE District- Gaya

1. WAKIL YADAV @ SAKALDEO YADAV Son of Puna Yadav Resident of village - Kendui, P.S. - Mohanpur, Distt. - Gaya
2. Loki Yadav Son of Puna Yadav Resident of village - Kendui, P.S. - Mohanpur, Distt. - Gaya
3. Shibu Yadav @ Shivu Yadav Son of Puna Yadav Resident of village - Kendui, P.S. - Mohanpur, Distt. - Gaya
4. Lekhu Yadav @ Lakhan Yadav Son of Puna Yadav Resident of village - Kendui, P.S. - Mohanpur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramswarup Manjhi Son of Gobind Manjhi Resident of village - Kewala Tola Ramchak, P.S. - Gurapa, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 26-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with Complaint Case No. 09 of 2019 registered for the offence under Section 341, 323, 379, 354 of the IPC and Section 3 (1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 2016 and being aggrieved by the order dated 19.05.2023 passed in A.B.P. No. 199 / 2023 by learned Exclusive Special Judge , S.C. / S.T. Spl. Court, Gaya has preferred this appeal for grant of anticipatory bail.



3. As per the complaint petition on 15.07.2018 at about 12:00 Noon, all the accused persons, including the appellants, arrived at the door of the complainant with “lathi” and “danda” and abused the complainant by his caste name and told him to vacate the land in question. It is further alleged that the accused persons also abused and assaulted the complainant on 02.11.2018 & 31.01.2019.

4. Learned counsel for the appellants submits that the entire incident took place near the door of the complainant which is not a public place. There is no specific allegation against the appellants. He submits that though the accused persons assaulted thrice, but the complainant did not lodge F.I.R. against the appellants. He next submits that from perusal of the complaint petition it is evident that no one has received injury.

5. Having heard learned counsel for the parties and taking into consideration the fact that the learned Special Court has taken cognizance under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 finding *prima facie* case against the appellants and in view of the decision of the Hon’ble Supreme Court in the case of Bachu Das versus The State of Bihar and Ors., reported in (2014) 3 SCC 471, this appeal, for grant of anticipatory bail is not



maintainable.

6. Accordingly, the appeal is dismissed and the order dated 19.05.2023 passed in A.B.P. No. 199 of 2023 by learned Exclusive Special Judge S.C. / S.T. Act, Gaya is hereby affirmed.

7. However, it is made clear that if the appellants surrender and seek regular bail, the same shall be considered on its merit, if possible on the same date without being prejudiced with the fact that this Court has dismissed the anticipatory bail application of the appellants as not maintainable.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

