

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3925 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BANDEYA District- Aurangabad

CHHOTU YADAV S/o- RAJ NANDAN PRASAD Village- Sosuna Near
Primary School Ps- Bandeya Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi wife of Deepak Paswan Village- Sosuna Ps- Bandeya Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Priya Ranjan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-08-2024 Despite valid service of notice , nobody appears
on behalf of respondent No. 2. Heard learned counsel for the
appellant and State .

2. This appeal has been filed for setting aside order
dated 07.06.2023 passed in a case registered for the offence
punishable under sections 147, 149, 341, 323, 324, 298 , 504
and 506 and other allied sections of the Indian Penal Code and
sections 3(i)(r)(s)(f)/3(2)(v)(a), 3 (a) (b) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per F.I.R., allegation against this appellant is of abusing the informant by caste name and also to assault him by means of Spatula .

4. It is submitted that allegation of assault is general and omnibus against the appellant against this appellant. It is not the case of te informant that any member of public was present at the time of incidence , as such, no case under SC/ST Act is made out. Injury allegedly caused by this appellant is simple in nature . Case and counter case . Appellant claims clean antecedent.

5 . Learned Spl. PP for the State 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 Additional District and



Sessions Judge 1st , Aurangabad - cum - Special Judge, SC/St
Aurangabad in connection with Bandeya Police Station Case
No. 32 of 2023 .

(Prabhat Kumar Singh, J)

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