

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4105 of 2023**

Arising Out of PS. Case No.-186 Year-2023 Thana- BELAGANJ District- Gaya

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1. Rajesh Kumar Yadav S/O Musafir Yadav R/O Village- Dalalchak, Ps. Belaganj, Dist. Gaya
  2. Rakesh Kumar @ Bhoti @ Rakesh Yadav S/O Musafir Yadav R/O Village- Dalalchak, Ps. Belaganj, Dist. Gaya
  3. Upendra Kumar Yadav @ Upendra Kumar Son Of Tetar Yadav Resident Of Village- Dalalchak, Police Station- Belaganj, District-Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Deepak Kumar Paswan, A.S.I., Belaganj Police Station, Dist. Gaya Bihar, Gaya

... .. Respondents

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**Appearance :**

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| For the Appellant        | : | Mr. Aryan Singh, Advocate      |
| For the Respondent       | : | Mr. Binay Krishna, Sp.PP       |
| For the Respondent No.2: |   | Mr. Abhishek Kumar, Adv        |
|                          |   | Mr. Shambhu Narayan Singh, Adv |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      23-08-2024                      Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 03.07.2023 A.B.P. No. 216 of 2023 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 186 of 2023 dated



26.03.2023 registered for the offence/s punishable u/ss 147, 149, 323, 341, 307, 353, 504, 385, 379 and 411 of the Indian Penal Code, 3(2) (va) of the SC/ST (POA) Act, section 21 MM (D & R) Act and rule 56 of BM Rule, 2021.

3. As per the prosecution case, the appellant and the co-accused persons were loading the sand illegally in the tractor in the Falgu River. When the police party reached there, they fled away from there with the tractor and police seized JCB machine. Thereafter, the accused persons came there and got the seized JCB and one accused released. They also abused the informant by calling his caste name and pelting stones and made hindrance in discharging of official duty.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellants. Similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 05.04.2024 passed in Cr. Appeal (SJ) No. 4396 of 2024. The appellant no. 1 and 2 are accused in one more criminal case whereas the appellant no. 3 has no criminal



antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 03.07.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 186 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 186 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

**(Chandra Prakash Singh, J)**

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