

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4027 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- JAGDISHPUR District- Bhojpur

SURENDRA YADAV @ SURENDRA SINGH SON OF LATE
CHANDRAMA SINGH VILLAGE- CHARWANI PS- JAGDISHPUR DIST-
BHOJPUR

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. DEEPAK KUMAR SON OF LATE RAJESHWAR PRASAD VILLAGE
AND POST- BAULIPUR, PS- JAGDISHPUR, DIST- BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-09-2024 Heard learned counsel for the parties. Despite

valid service of notice nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 21.07.2023 passed in a case registered for the offence
punishable under sections 341, 323, 307, 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 , all the accused persons including this



appellant were plucking mango from orchard of informant and on objection , all the accused persons assaulted and abused informant and others by caste name .

4. It is submitted on behalf this appellant that appellant has falsely been implicated in this case . As a matter of fact, a hot talk took place between both the parties during plucking of mango and taking advantage of the same , this false and concocted case has been lodged. Injuries sustained by injured is simple in nature . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

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 1st Additional Sessions Judge cum Special Judge, SC/St Act Bhojpur at Ara in



connection with Jagdishpur Police Station Case No. 196 of
2023 .

(Prabhat Kumar Singh, J)

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