

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3602 of 2022

Arising Out of PS. Case No.-258 Year-2022 Thana- OBRA District- Aurangabad

1. Mithilesh Yadav @ Mithlesh Yadav @ Mithilesh Kumar @ Mithlesh Kumar Son Of Gobardhan Yadav R/O Village- Mahadev, P.S.- Obra, District- Aurangabad (Bihar)
2. Kamlesh Yadav Son Of Gobardhan Yadav R/O Village- Mahadev, P.S.- Obra, District- Aurangabad (Bihar)
3. Bigu Yadav Son Of Late Uchit Yadav R/O Village- Mahadev, P.S.- Obra, District- Aurangabad (Bihar)
4. Satya Narayan Yadav @ Satan Ra Yadav Son Of Saryu Yadav R/O Village- Mahadev, P.S.- Obra, District- Aurangabad (Bihar)
5. Bhulan Yadav @ Vasant Yadav @ Vasant Kumar Son Of Bigu Yadav R/O Village- Mahadev, P.S.- Obra, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. BIMLA DEVI W/O RAJENDRA PASWAN R/O VILLAGE- MAHDEVA, P.O.- TEJPURA, P.S.- OBRA, DISTRICT- AURANGABAD (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh

For the State : Mrs. Usha Kumari 1

For the Respondent No.2 : None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsel for the appellants and learned
Spl. PP for the State.

2. Despite valid service of notice, nobody appears on
behalf of the respondent no. 2.

3. This appeal has been filed for setting aside order
dated 13.09.2022, passed in a case registered for the offence



punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i) (r)2 (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case, on 18.06.2022, informant along with her son had gone to shop of Mithilesh Yadav and a dispute arose over the price of Chowmin and the appellant no. 1 abuses her by calling caste name and on protest other co-accused persons assaulted her son by *lathi* and *danda*.

5. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are innocent and have falsely been implicated in this case. Due to land dispute, this false and concocted case has been lodged. The injury sustained by the informant's son is found to be simple in nature. Both the parties are co-villagers. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

6. On the other hand, learned Spl.PP. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to these appellants.

7. Considering the aforesaid facts and circumstances



of the case, this appeal is allowed and the impugned order dated 13.09.2022 passed by the 1st Additional District & Sessions Judge-cum-Spl. Judge, S.C./S.T. Act, Aurangabad, (Bihar) in connection with A.B.P. No. 1570 of 2022 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of 1st Additional District & Sessions Judge-cum-Spl. Judge, S.C./S.T. Act, Aurangabad, (Bihar) in connection with Obra P.S. Case No. 258 of 2022.

(Prabhat Kumar Singh, J)

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