

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4162 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

- 1 . DHARMENDRA YADAV son of Ram Charitra Yadav @ Chalitar Yadav Village- Turikala Ps- Magadh University Dist- Gaya
2. Rahul Yadav @ Rahul Kumar son of Vinay Yadav Village- Turikala Ps- Magadh University Dist- Gaya

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Bachchi Devi wife of Bachu Paswan Village- Turikala Ps- Magadh University Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 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 09.08.2023 passed in a case registered for the offence punishable under sections 448 , 341, 323, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3 . Prosecution case, in brief, is that on the alleged



date and time of occurrence , all the F.I.R., named accused persons including these appellants entered house of informant and assaulted informant and her daughter by means of lathi. It is further alleged that they threatened to grab the land of informant and also abused informant by caste name .

4. It is submitted on behalf of these appellants that both the parties are close door neighbour and due to land dispute , an altercation took place between them. Case and counter case . Allegation of assault is general and omnibus against these appellants. Injury 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. Appellants claim 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 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 the learned Exclusive



Special Judge, SC/St Special Court Gaya in connection with
Magadh University Police Station Case No. 477 of 2023 .

(Prabhat Kumar Singh, J)

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