

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4324 of 2023

Arising Out of PS. Case No.-651 Year-2021 Thana- TEKARI District- Gaya

NIRANJAN YADAV SON OF DANI YADAV RESIDENT OF VILLAGE-
DARIYAPUR, PS- TEKARI (PANCHANPUR OP), DIST- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. AJAY KUMAR SON OF LATE BHAJJU DAS RESIDENT OF VILLAGE-
SALAIYA, PS- DUMARIYA, DISTT- GAYA, AT PRESENT RESIDENT
OF MOHALLA- DEODHARPUR, PS- TEKARI, DISTT- GAYA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 27.04.2023, passed in a case registered for the offence punishable under Sections 341, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, all the five F.I.R. named accused persons, including this appellant, assaulted and abused informant by caste name.

4. It is submitted by learned counsel appearing on



behalf of the appellant that appellant is innocent and has falsely been implicated in this case. In fact, no such occurrence, as alleged in the F.I.R., ever took place and only with a view to pressurize this appellant and other accused persons to sell a piece of land in favour of informant, this false and concocted case has been lodged. Allegation of assault is general and omnibus and there is no specific accusation of overt act against this appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 27.04.2023 passed by the Court of learned Special Judge, S.C./S.T., Gaya, in connection with A.B.P. No. 101 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, 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 learned Exclusive Special Judge, S.C./S.T. Act, Gaya, in connection with Tekari P.S. Case No. 651 of 2021.

(Prabhat Kumar Singh, J)

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