

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4410 of 2023

Arising Out of PS. Case No.-51 Year-2019 Thana- WAJIRGANJ District- Gaya

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GORELAL YADAV @ SUMAN RAY @ SUMAN RAJ Son of Ram Prasad
yadav @ Prasad Yadav R/o vill - Mangrawan, P.S. - Wazirganj, Distt. - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 24.06.2023 , passed in a case registered for the offence punishable under sections 323 , 325 and 34 and other allied sections of the Indian Penal Code and sections 3(i) of the Scheduled Castes and Scheduled Tribes (POA) 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 , the goat of the accused persons was grazing the crops of the informant and when informant



objected , all the accused persons including this appellant assaulted the informant.

4. It is submitted that on behalf of the appellant that due to petty dispute a simple scuffle took place between the parties. Allegation of assault is general and omnibus. There is no allegation of abuse by caste name , as such, no case under SC/ST Act is made out.

5 . Counsel for the Spl. PP for the State oppose the prayer for bail.

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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge , SC/St , Gaya , in connection with Wazirganj Police Station Case No. 51 of 2019.

(Prabhat Kumar Singh, J)

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