

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4666 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- ROSHANGANJ District- Gaya

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AMAR KANT KUMAR YADAV @ AMARKANT KUMAR Son of Dev
Narayan Yadav R/o vill - Bishunpur, P.S. - Bankey Bazar, Dist. - Gaya

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Arun Kumar S/o Suryadev Paswan R/o vill - Bishunpur, P.S. - Bankey Bazar, Distt. - Gaya

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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 12.09.2021 passed in a case registered for the offence punishable under sections 147, 149, 341, 323, 354 (b), 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 (Prevention of Atrocities) 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 , when female family member of informant



was cleaning the door, in the meantime , neighbour of informant co-accused Dev Narayan Yadav came there and abused informant and others by caste name . It is further alleged that all the F.I.R., named accused persons including this appellant armed with various weapons came there and assaulted the female family members of informant and disrobed them.

4. It is submitted on behalf this appellant that both the parties are close door neighbour and due to petty dispute hot talk place between them. Taking advantage of the situation , this false case has been lodged. Specific accusation of abuse by caste name is against other co-accused Sonpati Devi. So far as this appellant is concerned, allegation of assault is general and omnibus. 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 Exclusive Special Judge,
SC/St, Gaya, in connection with Raushanganj (Bankebazar)
Police Station Case No. 228 of 2023 .

(Prabhat Kumar Singh, J)

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