

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4712 of 2023**

Arising Out of PS. Case No.-350 Year-2023 Thana- OBRA District- Aurangabad

Subhash Yadav Son Of Mosaphir Yadav @ Musafir Yadav Resident Of
Village- Mayapur, P.S.- Obra, District- Aurangabad

... .. Appellant

Versus

1. The State of Bihar
2. Ram Singar Ram Son Of Rajkishor Ram Resident Of Village- Mayapur,
P.S.- Obra, District- Aurangabad

... .. Respondents

Appearance :

For the Appellant	:	Ms/Mrs. Rupa Kumari, Advocate
For the Respondents	:	Mr.Binay Krishna, Spl. Public Prosecutor Mr. Amanvishal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated 22.9.2023, passed in a case registered for the offence punishable under sections 341,323,307,504/34 of the IPC and sections 3(i)(r)(s)/2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the FIR named accused persons including this appellant assaulted and abused



respondent no.2 by caste name.

4. Learned counsel appearing for the appellant submits that as a matter of fact, niece of respondent no.2 fled away with son of appellant side out of love affairs and taking advantage of this situation, respondent no.2 lodged this false and concocted case against the appellant. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Moreover, allegation of assault is against co-accused Bimlesh Yadav, Sunil Yadav and and no specific overt act has been alleged against the appellant. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. 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 Additional Sessions Judge I cum Special Judge, SC/ST Act,



Aurangabad in Obra Police Station Case No. 350 of 2023

Shashi

(Prabhat Kumar Singh, J)

U		T	
---	--	---	--

