

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5105 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- BARACHATTI District- Gaya

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1. CHANDRADEV SAW Son of Billo Saw Resident of Village - Kurmawan, Police Station - Barachatty, District - Gaya.
 2. Ganesh Saw @ Ravindra Kumar Gupta Son of Late Ramdev Saw Resident of Village - Kurmawan, Police Station - Barachatty, District - Gaya.
 3. Sanjay Saw @ Sanjay Kumar Gupta Son of Ramdev Saw Resident of Village - Kurmawan, Police Station - Barachatty, District - Gaya.
 4. Ajay Saw @ Ajay Kumar Gupta Son of Sahwan Saw Resident of Village - Kurmawan, Police Station - Barachatty, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Madan Paswan Resident of village - Ku sudar Kumhari, P.S.- Barachatty, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Atul Shankar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Kunwar Narayan Jamuar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 09.10.2023 passed in a case registered for the offence punishable under sections 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. The prosecution case in brief is that on 07.03.2023



at about 3 PM, these appellants, along with other accused persons named in the F.I.R., assaulted and abused the informant and others. Reason of the said occurrence is that daughter of Appellant No. 3 has solemnized love marriage with son of the informant/Respondent No. 2.

4. It is submitted by learned counsel appearing on behalf of the appellants that the present case is counter-blast of Barachatty P.S. Case No. 252 of 2023, which was instituted against the informant/Respondent No. 2 and in order to save their skin from the aforesaid case, this false and concocted case has been lodged. There is no allegation of abuse by caste name against these appellants and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. It is further submitted that the allegation of assault is general and omnibus. Appellants claim clean antecedents.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 09.10.2023 passed by the learned Exclusive Special Judge,



S.C./S.T. Spl. Court, Gaya, in connection with A.B.P. No. 339 of 2023 arising out of Barachatty P.S. Case No. 253 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, 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, S.C./S.T. Spl. Court, Gaya, in connection with A.B.P. No. 339 of 2023 arising out of Barachatty P.S. Case No. 253 of 2023.

(Prabhat Kumar Singh, J)

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