

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5129 of 2023

Arising Out of PS. Case No.-711 Year-2023 Thana- BARACHATTI District- Gaya

GANESH KUMAR AGRAWAL @ GANESH YADAV SON OF BALESHER
YADAV @ BALESHWAR YADAV RESIDENT OF VILLAGE- DEMA
TOLA PATHRA, PS- MOHANPUR, DIST- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RITA DEVI WIFE OF MOHAN MANJHI RESIDENT OF VILLAGE-
DEMA TOLA LAKSHMIPUR PATHRA, PS- MOHANPUR, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, , Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 03.10.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 504, 506 and 354 of the
Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v-a) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.



4. As per prosecution case, on the alleged date and time of occurrence, this appellant was forcibly ploughing the field of informant and on protest, he abused informant by caste name and also assaulted her.

5. It is submitted by learned counsel appearing on behalf of the appellant that as a matter of fact, on the alleged date and time of occurrence, informant along with her family members was ploughing the land of this appellant, which was objected by him and being aggrieved with the same, this false and concocted case has been lodged. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Moreover, the matter has already been compromised between the parties and a joint compromise petition to that effect has been filed before the learned trial court on 26.08.2023. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.



7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 03.10.2023 passed by the court of learned Special Judge, SC/ST Special Court, Gaya, in connection with A.B.P. No. 329 of 2023 is hereby set aside with respect to this appellant only.

8. 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 Special Judge, SC/ST Special Court, Gaya, in connection Barachatty (Mohanpur) P.S. Case No. 711 of 2023.

(Prabhat Kumar Singh, J)

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