

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5180 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- GOPALGANJ TOWN District- Gopal-
ganj

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1. ABHAY YADAV @ ABHAY KUMAR SON OF LATE RAMADHAR YADAV RESIDENT OF ARAR, P.S. - GOPALGANJ, DISTRICT - GOPALGANJ
 2. VIKASH YADAV @ VIKASH KUMAR SON OF LATE RAMADHAR YADAV RESIDENT OF ARAR, P.S. - GOPALGANJ, DISTRICT - GOPALGANJ

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sumit Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 23-08-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. In compliance of the order dated 20.03.2024, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 04.08.2023 passed by learned Additional Sessions Judge XI-



cum- Special Exclusive Judge, Gopalganj in connection with Gopalganj P.S. Case No.119 of 2022, registered under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, the informant was filling soil in front of the house of one Gangdeyal Yadav, in the meantime, the appellants and other co-accused persons came there and abused and assaulted him.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is a case and counter case between the parties and both sides have sustained simple injuries. Appellant no.1 has one criminal antecedent and appellant no.2 has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, since the injuries are of simple nature, let the above named appellants, in the event of their arrest or surrender before the learned Court



below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XI-cum- Special Exclusive Judge, Gopalganj in connection with Gopalganj P.S. Case No.119 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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