

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5470 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- WAJIRGANJ District- Gaya

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1. NARESH YADAV @ NARESH KUMAR YADAV SON OF GOVIND YADAV RESIDENT OF VILLAGE - NAKTI MAHUGAIN, P.O. - TARWAN, P.S. - WAZIRGANJ, DISTRICT - GAYA
 2. VIJAY YADAV @ VIJAY PRASAD SON OF SHIWALAK PRASAD RESIDENT OF VILLAGE - NAKTI MAHUGAIN, P.O. - TARWAN, P.S. - WAZIRGANJ, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. FULA DEVI WIFE OF RAMJANAM MANJHI RESIDENT OF VILLAGE - NAKTI MAHUGAIN, P.O. - TARWAN, P.S. - WAZIRGANJ, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rama Kant Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 12-09-2024 Heard learned counsels for the parties.

2. Despite filing *Vakalatnama*, no one appears on behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order dated 17.10.2023, passed in a case registered for the offence punishable under Sections 341, 323, 354, 307 and 34 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2-(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.



4. As per the prosecution case, all the 15 F.I.R. named accused persons, including these appellants, assaulted informant and abused him by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. As a matter of fact, the present case is counter-blast of Wazirganj P.S. Case No. 410 of 2023 which was lodged by co-accused Pintu Kumar @ Pintu Yadav on 06.07.2023 against the informant and others and only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. The F.I.R. does not disclose that any member of public was present at the time of occurrence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.

6. On the other hand, learned S.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to these appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.10.2023 passed by the Court of learned Exclusive Special Judge, SC/ST Spl. Court, Gaya, in connection with A.B.P. No.



361 of 2023 is hereby set aside with respect to these appellants only.

8. 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 learned Exclusive Special Judge, SC/ST Spl. Court, Gaya, in connection with Wazirganj P.S. Case No. 415 of 2023.

(Prabhat Kumar Singh, J)

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