

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5678 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- CHANDAUTI District- Gaya

GUDDU KUMAR S/O TALKESHWAR YADAV VILLAGE- AGRAILI, PS.
CHANDAUTI, DIST. GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAKESH ROUSHAN S/O AKALU PASWAN VILLAGE- BLANA,P.O.
CHHATUBAG, PS. CHANDAUTI, DIST. GAYA. PIN CODE- 82003.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Anil Kumar Saxena, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Heard learned counsels for the parties.

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

3. This appeal has been filed for setting aside order dated 10.11.2023, passed in a case registered for the offence punishable under Sections 341, 323, 504, 379, 506, 308 and 34 of the Indian Penal Code and Section 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. The prosecution case in brief is that on 08.05.2023 at about 10:30 AM, while informant was returning to his house



from Bagehswari, in the meantime, all the F.I.R. named accused persons, including this appellant, surrounded him and abused him by caste name. It is further alleged that co-accused Rajendra Yadav pointed revolver upon informant and co-accused Yogendra Yadav snatched cash and jewellery from the informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has committed no offence. There is no allegation of overt act against his appellant and he is only alleged to be a member of the mob. 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 this appellant.

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 the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 10.11.2023 passed by the Court of learned Exclusive Special Judge, SC/ST Spl. Court, Gaya, in connection with A.B.P. No. 337 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 Exclusive Special Judge, SC/ST, Gaya, in connection with Chandauti P.S. Case No. 289 of 2023.

(Prabhat Kumar Singh, J)

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