

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5672 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- GAYA MUFASIL District- Gaya

Vinod Yadav Son Of Gopal Yadav Resident Of Village- Bhusunda, Ps-
Muffasil, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Chaudhary Son Of Late Badho Chaudhary D Resident Of
Village- Bhusunda, Ps- Muffasil, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Despite valid service of notice, no one appears on
behalf of the respondent no. 2.

2. Heard the parties.

3. This appeal has been filed against the order dated
03.10.2023 passed by learned Special Judge SC/ST
Special Court, Gaya in connection with A.B.P. No. 304 of 2023
arising out of Muffasil P.S. Case No. 328 of 2022, registered
under Sections 147, 148, 149, 307, 323, 337, 448, 354, 504 and
506 of the Indian Penal Code, Section 27 of the Arms Act and
Sections 3(i)(r)(s) and 3(2)(v) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.

4. As per prosecution case, the appellant is alleged to
be order giver and abused the informant by his caste name.

5. Learned counsel for the appellant submits that
appellant is innocent and has falsely been implicated in the



present case due to political rivalry and previous enmity. Petitioner is not alleged to have participated in the occurrence. F.I.R. does not reveal that the alleged incident took place within the public view, as such, no offence under SC/ST Act is made out. Appellant is a man of clean antecedent.

6. Learned Spl. Public Prosecutor for State opposes the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds 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 with A.B.P. No. 304 of 2023 arising out of Muffasil P.S. Case No. 328 of 2022.

8. Accordingly, the impugned order dated 03.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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