

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5712 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- TANKUPPA District- Gaya

Sanjay Yadav SON OF FAGUNI YADAV RESIDENT OF VILLAGE-
MANMADHO, PS- TANKUPPA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SOMAR PASWAN SON OF LATE PASO PASWAN RESIDENT OF
VILLAGE- MANMADHO, PS- TANKUPPA, DIST- GAYA

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail** vide
order dated 23-11-2023 in A.B.P. No. 381 of 2023 passed by the
learned Exclusive Special Judge S.C./S.T., Special Court, Gaya
in connection with Tankuppa P.S. Case No. 54 of 2020
registered for the offences punishable under Sections 147, 149,
341, 323, 324, 379, 504 of the Indian Penal Code as well as
Sections 3(1)(r)(s) of the SC/ST Act.



3. The learned counsel for appellant submits that the appellant has been falsely implicated in the present case by the informant. It is next submitted that there is a case and a counter case between the parties and both parties have sustained injuries, further no specific allegation of committing any overt act is alleged against the appellant rather the allegation of abuse is general and omnibus in nature. It is also submitted no one was injured from the side of the informant and appellant is person with clean antecedent. It is next submitted that Samundar Yadav and others had moved this court seeking anticipatory bail by filing Criminal Appeal (SJ) No. 3174 of 2023, and the same was allowed by a learned Coordinate Bench by an order dated 20-9-2023, as such the appellant seeks anticipatory bail on the basis of parity.

4. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

5. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned court below where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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