

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.194 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- ATRI District- Gaya

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1. Bhushan Prasad @ Bhushan Yadav Son of Late Rajendra Prasad Yadav Resident of Village- Chakra, P.S.- Atri, District- Gaya
 2. Munna Yadav @ Munna Prasad Son of Late Rajendra Prasad Yadav Resident of Village- Chakra, P.S.- Atri, District- Gaya
 3. Rahul Yadav @ Rahul Kumar Son of Bhushan Prasad @ Bhushan Yadav Resident of Village- Chakra, P.S.- Atri, District- Gaya
 4. Rohit Yadav @ Rohit Kumar Son of Bhushan Prasad @ Bhushan Yadav Resident of Village- Chakra, P.S.- Atri, District- Gaya
 5. Savi Yadav @ Sabbi Yadav @ Sabi Kumar Son of Late Rajendra Prasad Yadav Resident of Village- Chakra, P.S.- Atri, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Bunita Devi W/o Sudhir Rajvanshi Resident of Village- Chakra, P.S.- Atri, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and State.

3. This appeal has been filed against the order dated 09.11.2023 passed by learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with A.B.P. No. 367 of 2023 arising out of Atri P.S. Case No. 329 of 2023, registered under Sections 341, 323, 448, 504/34 of the Indian Penal Code and



Sections 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the anticipatory bail of appellants has been dismissed.

4. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants abused informant by caste name and assaulted him. It is further alleged that the accused persons also threatened to kill informant.

5. Learned counsel for the appellants submits that due to appellants are innocent and have committed no such offence as alleged. Appellants have falsely been implicated in this case due to petty dispute. Allegation of assault against appellants is general and omnibus and F.I.R. has been lodged after inordinate delay of five days which itself creates doubt about veracity of prosecution case. Moreover, F.I.R. does not reveal presence of any member of public when the alleged incident occurred, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a



period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Special Court, Gaya in connection with A.B.P. No. 367 of 2023 arising out of Atri P.S. Case No. 329 of 2023.

8. Accordingly, the impugned order dated 09.11.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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