

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.563 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- FATEHPUR District- Gaya

Santosh Yadav son of Bigan Yadav Resident of Village- Ganni Pipra, P.S.-
Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi wife of Umesh Paswan Village- Ganni Pipra Ps- Fatehpur Dist-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ujjawal Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Deep Anshuman, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Heard learned counsel for the appellant, learned Spl.

Public Prosecutor appearing on behalf of the State and learned
counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated
05.10.2023 passed by learned Exclusive Special Judge, SC/ST
Special Court, Gaya in connection with A.B.P. No. 330 of 2023,
arising out of Fatehpur P.S. Case No. 39 of 2023 registered
under Sections 341, 323, 504, 506, 34 of the Indian Penal Code
and Sections 3(i)(r)(s) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.

3. As per prosecution case, on the alleged date and time



of occurrence, all the FIR named accused persons including this appellant assaulted informant and abused him by caste name.

4. Learned counsel for the appellant submits that the present case is counter blast of Fatehpur P.S. Case No. 40 of 2023 lodged by appellant against informant and others. As a matter of fact, on the alleged date and time of occurrence, informant and others tried to encroach upon the land of appellant on account of which *maarpit* took place. Allegation of assault and abuse by caste name is general and omnibus. It is not the case of informant that any member of public was present at the place of occurrence, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of arrest/surrender within a period of eight weeks from today, 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 Special Court, Gaya, in connection with A.B.P. No. 330 of 2023, arising out of Fatehpur P.S. Case No. 39 of



2023.

7. Accordingly, the impugned order dated 05.10.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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