

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.663 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- WAZIRGANJ District- Gaya

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1. Sanjay Yadav @ Sanjay Kumar S/O KRISHNA YADAV @ MAHENDRA YADAV R/O VILLAGE- VIHAYAIN, PS.- WAZIRGANJ, DIST. GAYA.
 2. NIPON SINGH @ NIPIN SINGH @ AKASH KUMAR S/O SATYENDRA SINGH RESIDENT OF HURRAHI, PS. WAZIRGANJ, DIST. GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. SAROJ DEVI W/O DINESH RAVIDAS R/O VILLAGE- LAKSHMIPUR, PS. WAZIRGANJ, DIST. GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 17-12-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 28.11.2023, passed by learned Exclusive Special Judge, SCT/ST Special Court, Gaya, in ABP No. 402 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Wazirganj Police Station Case No. 427 of 2023 registered for the offence punishable under Sections 341/323/325/379/504/34 of the Indian Penal



Code and Sections 3 (ix)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 26.06.2023, the appellants and three unknown persons were coming on bike and dashed the informant's bike due to which the informant fell down. Thereafter, all the accused persons started abusing and assaulting the informant, her husband and son and also snatched household articles including silver and gold.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to dispute arising out of minor road accident which took place between the bike of one Sumit Yadav and the appellants tried to pacify the dispute between them. He next submits that no serious injury has been caused to the informant and her family members. He further submits that allegation against the appellants under IPC are bailable except Section 379 of the Indian Penal Code, which is ornamental in nature. There is no specific allegation that the appellants abused with caste name of the informant in full public view.



5. Learned counsel for the Special Public Prosecutor opposed the prayer for anticipatory bail application on the ground that appellants and other accused persons assaulted the husband and son of the informant due which they sustained injuries.
6. Despite service of notice and information, no one appeared on behalf of the respondent no. 2.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that no serious injury has been caused to the informant's husband and son, allegation of snatching appears to be there due to road rage and there is no allegation that the appellants abused the informant by her caste name in full public view, I am inclined to grant the appellants privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 28.11.2023, passed by learned Exclusive Special Judge, SCT/ST Special Court, Gaya, in ABP No. 402 of 2023, is set aside.
9. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SCT/ST Special Court, Gaya, in connection with Wazirganj Police Station Case No. 427 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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