

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1277 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- KONCH District- Gaya

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- 1 . SINTU YADAV @ SINTU KUMAR S/O- LATE RAMASHISH YADAV
Village- Manjhiyawan Ps- Konch Dist- Gaya
 2. Mithlesh Yadav @ Mithlesh Kumar son of LateRam Pravesh Yadav Village-
Manjhiyawan Ps- Konch

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Punam Kumari D/O- Satya Narayan Paswan Village- Manjhiyawan Ps-
Konch Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2 , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-01-2025 Heard learned counsel for the parties. Despite
valid service of notice nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order
dated 19.01.2023 passed in a case registered for the offence
punishable under sections 341, 323 , 354B, 504, 506 and 34
and other allied sections of the Indian Penal Code and sections



(i) (s) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on 30.09.2022 at about 5.00 PM while informant was working alongwith her mother then co-villager Ashok Kumar, , Poonam Devi, Pintu , Sita and Mithilesh armed with danda and rod came there assaulted and abused the informant by caste name .

4. It is submitted that these appellants are innocent and committed no offence as alleged and there is no allegation of any overt act against them. F.I.R., has been lodged after the delay of 13 days for which there is no plausible explanation . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Exclusive Special Judge SC/ST Gaya in connection with Konch Police Station Case No. 476 of 2022 .

(Prabhat Kumar Singh, J)

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