

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1397 of 2024**

Arising Out of PS. Case No.-96 Year-2023 Thana- SC/ST District- Samastipur

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- 1 . Govind Yadav @ Gobind Yadav Son of Amarjit Yadav @ Amrjeet Yadav Resident of Village- Kabilasi Tole, Bhrath, P.S.- Singhia, District- Samastipur
 2. Nitish Yadav @ Nitish Kumar Yadav Son of Amarjit Yadav @ Amrjeet Yadav Resident of Village- Kabilasi Tole, Bhrath, P.S.- Singhia, District- Samastipur

... .. Appellant/s

Versus

- 1 . The State of Bihar Bihar
2. Ramjatan Ram Son of Ramrup Ram Resident of Village- Vishariya Ward no. 10, P.S.- Singhia, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shanti Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the respondent No. 2 :		Mr. Praveen Kumar , Advocate
		Mr. Vikash Kumar , Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 13-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 14.12.2022, passed in a case registered for the offence punishable under sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)/3(i)(s)/3(i)(w)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes , whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , the informant alleged that on 28.10.2023 , when informant was cultivating his land, in the meantime all the accused persons came there and



assaulted informant with fists, sticks and farsa and when her mother came to save him, then all the accused persons assaulted mother of informant and also abused informant and others by caste name .

4. It is submitted that appellants are innocent and have committed no offence and have falsely been implicated in this case due to land dispute . There is delay of five days in lodging the F.I.R., for which there is no plausible explanation for the same . Allegation of assault is general and omnibus against the appellants. It is not the case of the informant 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. Learned counsel for the respondent No. 2 and learned Special Public Prosecutor for the State opposed the prayer for bail.

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 Special Judge,
SC/St (POA) Act Samastipur in connection with SC/ST Police
Station Case No. 96 of 2023 .

(Prabhat Kumar Singh, J)

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