

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1515 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- GAYA MUFASIL District- Gaya

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1. Ajay Yadav @ Ajay Kumar S/o Rajendra Yadav R/o Village Titoiya ps Bodhgaya district gaya
 2. Mithilesh Yadav S/o Gyani Yadav R/o Village Titoiya ps Bodhgaya district gaya
 3. Pappu Yadav S/o Ghoghi Yadav @ Bodhi Yadav R/o Village Titoiya ps Bodhgaya district gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shyamsundar Paswan S/o Late Jairam Paswan, R/o village - Amraura, P.S. - Tharthari, Distt. - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 10-07-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereinafter referred to as “SC/ST Act”) against the refusal of prayer for anticipatory bail of the appellant vide order dated 09.08.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya, in connection with A.B.P. No. 260 of 2023, arising out of Muffasil P.S. Case No.



367 of 2023 dated 28.03.2023 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 323, 307, 332, 353, 504 and 506 of the Indian Penal Code and under Sections 3(i)(r)(s) / 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on the basis of secret information when the informant along with other officials reached the place of occurrence, he saw that 20-25 tractors loaded with sand were illegally parked there. After seeing the police party, the appellants along with other co-accused persons started fleeing away and when the informant tried to apprehend them, they abused the informant by calling his caste name and also assaulted the informant due to which he sustained injuries.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegation levelled against the appellants is not specific, rather general and omnibus in nature. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel further submitted that no particular caste name has been called out by the appellants, hence no case is made out



under SC/ST (PoA) Act. The co-accused person namely, Dilip Yadav has already been granted the privilege of anticipatory bail by this Court vide order dated 05.01.2024 passed in Cr. Appeal(SJ) No. 2317 of 2023. The appellant no. 1 has two criminal antecedents, appellant no. 2 has three criminal antecedents and appellant no. 3 has one criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 09.08.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with A.B.P. No. 260 of 2023, arising out of Muffasil P.S. Case No. 367 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Judge, SC/ST Special Court, Gaya in connection with A.B.P. No. 260 of 2023, arising out of Muffasil P.S. Case No. 367 of 2023 , subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, on further condition:

(i) The appellants are directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellants is liable to be cancelled.

(Chandra Prakash Singh, J)

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