

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1520 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- GAYA MUFASIL District- Gaya

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1. Surajdev Yadav Son of Late Lakhan Yadav Resident of Village- Tapsi, P.O.- Bhore, P.S. Muffasil, District-Gaya
 2. Arbind Yadav @ Arbind Kumar Son of Surajdev Yadav Resident of Village- Tapsi, P.O.- Bhore, P.S. Muffasil, District-Gaya
 3. Dani Kumar @ Dani Yadav Son of Surajdev Yadav Resident of Village- Tapsi, P.O.- Bhore, P.S. Muffasil, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Parvati Devi Wife of Naresh Paswan Resident of Village- Tapsi, P.S.- Muffasil, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellants and learned
Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated 27.02.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 57 of 2024 in connection with Mufassil P.S. Case No. 83 of 2024, registered under Sections 341, 323, 448, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r) (s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on 29.01.2024 at 8:00 PM, when informant was in her house with her husband, these appellants entered the house and abused informant by caste name and assaulted her husband. When informant tried to save her husband, appellant no. 1 hit her with the butt of pistol. It is further alleged that appellant no. 3 took cash and Rs. 20,000/- from the house of informant.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Present case is counter blast of Muffasil P. S. Case No. 079 of 2024 lodged by the daughter of appellant no. 1 against the husband of informant and others for the offences punishable under Sections 341, 323, 354(B), 504, 506/34 of the Indian Penal Code and Section 8 & 12 of the Protection of Children from Sexual Offences Act. As a matter of fact, on the alleged date and time of occurrence, it was informant's husband and others who tried to outrage the modesty of the daughter of appellant no. 1 and when appellant no. 1 objected, he was threatened with dire consequences and after two days, present case was lodged with false and fabricated story. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under



SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST, Gaya in ABP No. 57 of 2024 in connection with Mufassil P.S. Case No. 83 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 27.02.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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