

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1683 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- SC/ST District- Gaya

Pramod Yadav SON OF MUGESHWAR YADAV Resident of Village-
Lodipur, P.S. Paraiya, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. ANIL PASWAN SON OF LATE RAMKRIT PASWAN Resident of Village-
Lodipur Pokhar, P.S. Paraiya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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 09.02.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 354 A , 379, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on the alleged date and time of occurrence, on 13.12.2023 at 7. 30 P M all the



F.I.R., named accused persons including this petitioner abused the informant by caste name . It is further alleged that upon protest, all the accused persons assaulted informant by means of lathi on his nose .

4. It is submitted that both the parties are co-villagers and due to dispute over drainage a simple occurrence of maarpeet took place between the parties. Injury allegedly caused by this appellant is simple in nature . It is not the case of the prosecution that any member of public was present at the time of incident, as such no case under SC / ST is made out against this appellant. Appellant claims clean antecedent.

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

6. Considering the aforesaid fact and clean antecedent of the appellant and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive special Judge , SC / ST Court Gaya in connection



with ABP No. 30 of 2024 arising out of SC / ST Police Station
Case No. 71 of 2023 .

(Prabhat Kumar Singh, J)

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