

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1668 of 2024

Arising Out of PS. Case No.-1057 Year-2023 Thana- BARACHATTI District- Gaya

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1. SAROJ DEVI WIFE OF KAILASH YADAV RESIDENT OF VILLAGE - SIRIYAWAN TOLA, DHANICHAK, P.S. - MOHANPUR, DISTRICT - GAYA
 2. MANORMA KUMARI DAUGHTER OF KAILASH YADAV RESIDENT OF VILLAGE - SIRIYAWAN TOLA, DHANICHAK, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANJU DEVI WIFE OF RAMADHIN PASWAN RESIDENT OF VILLAGE - SIRIYAWAN TOLA, CHANICHAK, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Mrigendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2025 Heard learned counsel appearing for the appellants, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 07.03.2024 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 447, 504, 506, 354, 354B, 307 and 379 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.



3. As per prosecution case, on 16.11.2023 at about 10 AM, all the F.I.R. named accused persons, including these appellants, abused informant by caste name and assaulted her. It is further alleged that accused persons snatched gold chain and *Mangalsutra* from neck of informant.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assaulted is against co-accused Kailash Yadav. So far as these appellants are concerned, there are general and omnibus allegations and no specific accusation of assault or abuse by caste name has been alleged against them. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants are ladies and claim clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean



antecedents of the appellants, this appeal is allowed and the impugned order dated 07.03.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 71 of 2024 arising out of Barachatti P.S. Case No. 1057 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 1057 of 2023.

(Prabhat Kumar Singh, J)

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