

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2254 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- SC/ST District- Rohtas

1. Manoj Singh Yadav @ Manoj Yadav Son Of Shiv Nath Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas
2. Umesh Yadav Son Of Shiv Nath Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas
3. Kamlesh Yadav Son Of Shiv Nath Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas
4. Shiv Nath Yadav Son Of Late Parmeshwar Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas
5. Urmila Devi Wife Of Manoj Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas
6. Kaushlaya Devi Wife Of Shiv Nath Yadav Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas

... .. Appellant/s

Versus

1. The State Of Bihar
2. Malti Devi Wife Of Late Ram Pujan Ram Resident Of Village - Mahesh Dih, P.S. - Tilauthu, District - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Adv
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For Res. No. 2	:	Mr. Chhotelal Mishra, Adv
		Ms. Jyoti Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 13.03.2024 passed by learned Additional District & Sessions Judge-17 cum Special Court SC/St Act, Rohtas at Sasaram in connection with SC/ST P.S. Case No. 55 of 2023, instituted under Sections 341, 323, 354(B), 379, 504, 506/34 of



the Indian Penal Code and Sections 3(i)(r)(s)(w),3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Prosecution case, in brief, is that on the alleged date and time of the occurrence, all the FIR named accused persons including the appellants abused informant by caste name and assaulted her. Further allegation is that the appellants also misbehaved with the family members of the informant. It is further alleged that appellant nos. 5 & 6 took away Rs. 2,500/- from her purse.

4. Learned counsel for the appellant submits that both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged against the appellants. Appellants are innocent and have committed no offence. Allegation against the appellants is general and omnibus and there is no allegation of specific overt act against them. Moreover, there is delay of fifteen days in lodging the F.I.R., for which there is no plausible explanation. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellants claim clean antecedent.



5. Learned counsel for the respondent no. 2 and learned Spl. Public Prosecutor for the State opposed the bail application.

6. Considering the aforesaid facts, 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 learned Additional District & Sessions Judge-17 cum Special Court SC/ST Act, Rohtas at Sasaram in connection with SC/ST P.S. Case No. 55 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 13.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

kiran/-

U		T	
---	--	---	--

