

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2648 of 2023

Arising Out of PS. Case No.-471 Year-2019 Thana- CIVIL LINE District- Gaya

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1. Rajendra Ram Son Of Late Banke Bihari Ram Resident Of Village- Chouri, Sukhdewan Bigha, Ps- Daudnagar, District- Aurangabad
 2. Ajay Singh Son Of Late Ramswarup Singh Resident Of Village- Nadaura, Ps- Gurua, District- Gaya
 3. Raj Kishore Yadav Son Of Late Ram Vinod Yadav Resident Of Village- Mundera, Ps- Konch, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kapildev Paswan Son Of Radhe Paswan Resident Of Village- Babhan Dih, Post- Darioura, Ps- Aamas, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-04-2025 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 28.04.2023 passed by learned Exclusive Special Judge SC/ST Court, Gaya in connection with A.B.P. No. 136 of 2023 arising out of Civil Line P.S. Case No. 471 of 2019, registered under Sections 341, 323, 504, 506, 384, 385/34 of the Indian Penal Code and Section 3(i)(r) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on the alleged date and time of occurrence, informant went to the DEO Office regarding payment of his due salary where these appellants assaulted the informant and abused him by caste name.

5. Learned counsel for the appellants submits that appellant No. 1 is Block Education Officer and appellant Nos. 2 & 3 are Prakhanda Teachers in the same school of the informant. Present case is counter blast of Civil Line P. S. Case No. 132 of 2019 which was lodged by appellant No. 1 in which appellant Nos. 2 & 3 are witnesses. Allegation of assault is general and omnibus. Moreover, 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 the appellants.

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

7. Considering the nature of accusation and other 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 Court, Gaya in connection with A.B.P. No. 136 of 2023 arising out of Civil Line P.S. Case No. 471 of 2019.

8. Accordingly, this criminal appeal is allowed and impugned order dated 28.04.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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