

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2706 of 2024

Arising Out of PS. Case No.-22 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Naresh Yadav Son Of Devraji Rai Village- Tikuliya, P.S.- Muffasil, Distt.- East Champaran, Motihari
 2. Ajay Yadav @ Ajay Kumar Yadav Son Of Naresh Yadav Village- Tikuliya, P.S.- Muffasil, Distt.- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhathiya Devi W/O- Sanjay Ram Village- Tikuliya, P.S.- Muffasil Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-04-2025 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. This appeal has been filed against the order dated 27.03.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 937 of 2024 arising out of Muffasil P.S. Case No. 22 of 2023, registered under Sections 323, 324, 354(A), 379, 504/34 of the Indian Penal Code and Sections 3/4(X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Allegation against appellants is of assault and abuse



by caste name. It is further alleged that the accused persons also took away ornaments and cash from the house of the informant.

4. Learned counsel for the appellants submits that both informant and appellants are next-door neighbours and land dispute is going on between the parties due to which informant lodged this false and concocted case only with a view to extort money and black mail the appellants. Allegation of assault is general and omnibus and there is no specific allegation of overt act against the appellant. There is no injury report on record to substantiate the allegations levelled against the appellants. Rest of the allegations are ornamental. 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. Appellants claim clean antecedent.

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

6. Considering the nature of accusation and clean antecedent, 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 Special Judge, SC/ST Act, East Champaran,



Motihari in connection with A.B.P. No. 937 of 2024 arising out of Muffasil P.S. Case No. 22 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 27.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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