

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2806 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- SC/ST District- Gaya

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1. Vinod Yadav son of Late Anil Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 2. Naulesh Yadav son of Nandlal Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 3. Shrawan Yadav @ Sharawan Yadav @ Shrawan Kumar son of Nandlal Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 4. Nandlal Yadav son of Late Sukhdev Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 5. Gopi Yadav @ Gopal Yadav son of Bhun Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 6. Krishna Yadav son of Sahdev Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya
 7. Shivnandan Yadav @ Shivanandan Yadav @ Shivandan Yadav son of Late Laxman Yadav Village- Zarhara Ps- Bodh Gaya Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Biku Manjhi son of Late Moti Manjhi Village- Zarhara Ps- Bodh Gaya Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R. No.2	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellants, respondent
No. 2 and the State.

2. This appeal has been filed against the order dated
15.05.2024 passed by learned Exclusive Special Judge, SC/ST
Act, Gaya in connection with A.B.P. No. 151 of 2024 arising out
of SC/ST P.S. Case No. 13 of 2024, registered under Sections



341, 323, 447, 504, 506 of the Indian Penal Code and Section 3(1)(f)(g)(r)(s)/3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, allegation against the appellants is of assaulting and abusing the informant by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that dispute over pathway led to an occurrence of *maar-peet* and taking advantage of the situation, this false and concocted case has been lodged against appellants. Allegation of assault is general and omnibus and there is no specific allegation of overt act against these appellants. Moreover, it is not the case of informant that alleged incident occurred within 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 as well as learned counsel for the informant 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with SC/ST P.S. Case No. 13 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 15.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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