

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2908 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- FESHAR District- Aurangabad

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1. Shivpujan Yadav Son of Late Punjabi Yadav Resident of Vill- Simarhua, Dosam, P.S.- Fesar, District- Aurangabad (Bihar).
 2. Vikash Kumar @ Vikash Yadav Son of Shivpujan Yadav Resident of Vill- Simarhua, Dosam, P.S.- Fesar, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Kumari Daughter of Nanku Rajak Resident of Vill- Simarhua, P.S.- Fesar, District- Aurangabad (Bihar).

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-04-2025 Despite filing *Vakalatnama*, 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 29.05.2024 passed by learned Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act-cum-Additional District and Sessions Judge 1st, Aurangabad in connection with A.B.P. No. 1035 of 2024 arising out of Fesar P.S. Case No. 38 of 2024, registered under Sections 341, 323, 504, 506, 354/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(1)(w) of



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

4. Prosecution case, in brief, is that on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants abused informant by caste name and tried to outrage her modesty.

5. Learned counsel for the appellants submits that both parties are co-villagers and prior to the alleged occurrence, verbal quarrel took place between them over polling due to which this false and concocted case has been lodged. Allegation against the appellants is general and omnibus and there is no injury report on record to substantiate the allegations levelled against 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.

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

7. Considering the nature of accusation, materials available on record 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 learned Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act-cum-Additional District and Sessions Judge 1st, Aurangabad in connection with Fesar P.S. Case No. 38 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 29.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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