

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2992 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- MOHANPUR District- Gaya

- 1. Satyendra Yadav Son of Narayan Yadav Village- Lebura PS- Mohanpur District- Gaya
- 2. Upendra Yadav Son of Narayan Yadav Village- Lebura PS- Mohanpur District- Gaya
- 3. Alok Yadav @ Alok Raj @ Aalok Yadav Son of Baleshwar Yadav @ Baleshwar Prasad Yadav Village- Lebura PS- Mohanpur District- Gaya
- 4. Kanhaiya Yadav @ Kanhai Yadav Son of Chandeshwar Yadav Village- Lebura PS- Mohanpur District- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Jitendra Chaudhary Son of Hari Chaudhary Village -Nidani @ Nindani PS -Mohanpur District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Despite valid service of notice, none appears on behalf of respondent No. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor for the State.

3. This appeal has been filed against the order dated 31.05.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with ABP No. 176 of 2024 arising out of Mohanpur P.S. Case No. 41 of 2024, registered under Sections 341, 323, 370, 379, 504, 506/34 of the Indian Penal Code and



Section 3(i)(r)(s), 3(2)(va) 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, all the F.I.R. named accused persons including these appellants assaulted informant by means of fists, slaps and belt and snatched mobile phone and cash of Rs. 30,000/-. Thereafter, it is alleged that the accused persons also abused informant by caste name and threatened him with dire consequences.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Present case is counter blast of Mohanpur P. S. Case No. 40 of 2024 which was lodged by appellant No. 3 against informant and others which is earlier in point of time and in retaliation, this false and concocted case has been lodged. 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 appellants.

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

7. Considering the aforesaid 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, Gaya in connection with Mohanpur P.S. Case No. 41 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 31.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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