

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3125 of 2024

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHKAR District- Gaya

-
1. Lalan Kumar @ Lalan Yadav son of Dev Charan Yadav Village- koshaila PS-Mahkar District- Gaya
 2. Mohan Kumar @ Mohan Yadav son of Dev Charan Yadav Village- koshaila PS-Mahkar District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Dwarika Paswan son of Ramchandra Paswan Village- Koshaila Ps- Mahkar Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyadarshi Pankaj Raj Anand, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Despite valid service of notice, no one appears on behalf of the respondent No. 2.

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

3. This criminal appeal has been filed against the order dated 06.04.2024 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 121 of 2024 in connection with Makhar P.S. Case No. 47 of 2019, instituted under Sections 147, 148, 448, 341, 323, 324, 504 and 427 of the Indian Penal Code under Section 27 of Arms Act and under Sections 3(r)(x) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that on 07.08.2019 all the co-accused persons filled the bore-well of the informant and upon his protest, all the co-accused persons came at the house of informant and assaulted the informant and his family members.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that both the parties are co-villagers and merely on the basis of suspicion that the appellants have filled the bore-well of the informant, *mar-pit* took place. Allegations are general and omnibus. Injury sustained by the injured is simple in nature. 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 appellants. Appellants claim clean antecedent.

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

7. Considering the aforesaid facts, 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with **Makhar P.S. Case No. 47 of 2019.**

8. Accordingly, this criminal appeal is allowed and impugned order dated 06.04.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

Shahnawaz/-

U		T	
---	--	---	--

