

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3079 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- GAYA MUFASIL District- Gaya

Raushan Kumar Son of Uday Yadav, R/o Village- Ganjas, P.S.- Muffasil,
District- Gaya.

... .. Appellant

Versus

1. The State of Bihar.
2. Arjun Paswan Son of Sri Kailash Paswan, R/o Village- Ganjas, P.S.-
Muffasil, District- Gaya.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ujjawal Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-05-2025 Despite valid service of notice, no one appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and
learned Special Public Prosecutor appearing on behalf of the
State.

3. This criminal appeal has been filed against the
order dated 01.05.2024 passed by learned Exclusive Special
Judge SC/ST, Gaya in ABP No. 126 of 2024 in connection with
Gaya Muffasil P.S. Case No. 113 of 2024, instituted under
Sections 341, 323, 504, 307 and 354 read with Section 34 of the
Indian Penal Code and under Sections 3(i)(r)(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 06.02.2024, all the accused persons threw bricks upon the informant due to which he sustained injury and thereafter, it is alleged that they also abused the informant by taking caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that both the parties are close neighbours and there is case and counter case between them. 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 appellant. Appellant claims clean antecedent.

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

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with **Gaya Muffasil**



P.S. Case No. 113 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 01.05.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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