

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3907 of 2023**

Arising Out of PS. Case No.-83 Year-2023 Thana- RAMPUR District- Gaya

Mithun Yadav @ Mithun Kumar Son Of Lokan Yadav Vill- Rampur Gobar Tola, Ps- Rampur, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Sudama Manjhi Son Of Kamaldev Manjhi R/O Vill- Rampur Bhui Toli, Ps- Rampur, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Shekhar, Adv.
For the Respondent/s	:	Mr. Mukund Kumar, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-10-2025 Heard learned counsel for the appellant, learned counsel for the respondent and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail of the appellant vide order dated 23.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 83 of 2023 dated 01.02.2023 registered for the alleged offences under Sections 341, 323, 379, 504, 506 read with section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant and the other co-accused persons have brutally assaulted the informant and Butta Kumar Manjhi with lathi and danda due to which they sustained injuries and took away the informant's Bajrangbali made of gold, Rs. 5000/- in cash and two mobile phones.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that the present case is counter blast of Rampur P.S. Case No. 77 of 2023. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. The co-accused persons have already been granted anticipatory bail by this court vide order dated 08.12.2023 passed in Cr. Appeal (SJ) No. 1823/2023. Learned counsel has further submitted that the matter has been compromised between the parties. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer for anticipatory bail of the appellant.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order vide order dated 23.03.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 83 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 83 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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