

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3081 of 2025

Arising Out of PS. Case No.-198 Year-2025 Thana- ATRI District- Gaya

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Ram Babu Yadav @ Rambabu Son of Gulabchandra Yadav @ Gulab Chandra
Prasad R/O Vill- Teusi, P.S.- Atri, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Viku Kumar @ Viku Chaudhari Son of Chaudhari R/O Vill- Teusi, P.S.- Atri,
District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-10-2025 Heard learned counsel appearing for the appellant and

learned Spl.P.P. appearing on behalf of the State.

2. Despite filing Vakalatnama, no one appears on

behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order

dated 30.06.2028 passed in a case registered for the offence

punishable under Sections 126(2), 115(2), 303(2), 352 and

351(2) of the B.N.S. and Sections 3(i), 3(i)(r) and 3(i)(s) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, whereby the prayer for anticipatory bail of the

appellant has been rejected.



4. As prosecution case, informant, namely Viku Chaudhari, a gas delivery agent, alleged that this appellant looted three gas cylinders from him and abused him with caste based slurs. It is further alleged that the appellant also looted Rs. 10,000/- cash from the informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, due to petty dispute over delivery of gas cylinder, a simple quarrel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. It is not the case of the prosecution that the alleged incident took place within the public view and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Moreover, during pendency of this case, due to intervention of well-wishers and common friends of both the parties, the dispute between the parties has already been compromised and a joint compromise petition to this effect has also been filed on 29.05.2025 before the learned trial court, copy of which is Annexure-P/2 to this application. Appellant



claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, nature of accusation, compromise between the parties and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 30.06.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 173 of 2025 arising out of Atri P.S. Case No. 198 of 2025 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Atri P.S. Case No. 198 of 2025.

(Prabhat Kumar Singh, J)

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