

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3873 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BANDEYA District- Aurangabad

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MUKESH KUMAR @ MUKESH YADAV @ SAKET KUMAR SON OF
RAJNANDAN PRASAD RESIDENT OF VILLAGE- SOSUNA NEAR
PRIMARY SCHOOL, PS- BANDEYA , DISTT- AURANGABAD

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. POONAM DEVI WIFE OF DEEPAK PASWAN RESIDENT OF
VILLAGE- SOSUNA , PS- BANDEYA , DISTT- AURANGABAD

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Priya Ranjan, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 17-11-2025 Despite valid service of notice , nobody appears

on behalf of respondent No. 2. Heard learned counsel for the

appellant and State .

2. This appeal has been filed for setting aside order
dated 26.07.2023 passed in a case registered for the offence
punishable under sections 147, 149, 341, 323, 324, 298 , 504
and 506 and other allied sections of the Indian Penal Code and
sections 3(i)(r)(s)/3(2)(v)(a), 3 (a) (b) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

3 . As per F.I.R., informant namely, Poonam devi



alleged that on 07.05.2023 at about 08:30 PM, all the accused persons including this appellant abused the informant by caste name and also assaulted him by means of Spatula , fists, legs and slaps.

4. It is submitted that appellant is innocent and has committed no offence as alleged. Specific accusation of abuse by caste name and assault is against other co-accused persons who has already been granted bail by this Hon'ble Court vide order dated 22.08.2023 in Cr. Appeal (SJ) No. 3925 of 2023 . So far as this appellant is concerned, allegation is general and omnibus against him. Moreover, injury sustained by the injured is simple in nature . Case and counter case . It is not the case of the informant that any member of public was present at the time of incidence, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned Spl. PP for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Additional District and
Sessions Judge 1st , Aurangabad - cum - Special Judge, SC/St
Aurangabad in connection with Bandeya Police Station Case
No. 32 of 2023 .

(Prabhat Kumar Singh, J)

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