

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4044 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Samastipur

- 1 . SANTOSH KUMAR YADAV @ SANTOSH YADAV son of Late Ram Sagar Yadav Village- Haripur Ps- Hasanpur Dist- Samastipur
2. Ghuran yadav son of Late Ram Sagar Yadav Village- Haripur Ps- Hasanpur Dist- Samastipur
- 3 . Bambam Yadav @ Binod Kumar Yadav son of Urant Lal Yadav Village- Haripur Ps- Hasanpur Dist- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Avinash Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Mr. Sangiv Kumar , Advocate
		Mr. Chandan Kumar , Advocate
		Mr. Ram Hriday Prasad , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 24.07.2023 , passed in a case registered for the offence punishable under sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code and sections 3(i)(r)(s)(w)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . It is allege d that all the F.I.R. named accused persons including these appellants assaulted and abused the



informant by caste name . It is further alleged that accused persons also snatched gold chain of daughter-in -law of informant.

4. It is submitted that informant and appellants are close door neighbours and scuffle took place between both the parties over plucking mangoes. Allegation is general and omnibus against these appellants. There is no injury report on record to substantiate the allegation of assault. It is not the case of informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the fact that there is no injury report on record to substantiate the allegation of assault, clean antecedent of these appellants and circumstances of case , this appeal is allowed and the impugned order is set aside . Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Judge , SC/St (POA) Samastipur in connection with Samastipur
SC / ST Police Station Case No. 31 of 2023 .

(Prabhat Kumar Singh, J)

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