

Arising Out of PS. Case No.-108 Year-2019 Thana- KHIJARSARAI District- Gaya

... .. Appellant/s

... .. Respondent/s

For the Appellant/s	:	Mr. Brijeshwar Narayan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. Savita Ali , Advocate
		Mr. Akanksha Malviya, Advocate
		Mr. Akash Keshav, Advocate

2. This appeal has been filed for setting aside order dated 20.07.2023 passed in a case registered for the offence punishable under sections 341 , 323 , 504, 506 and 34 of the Indian Penal Code and sections 3(1) (r) 3 (i) (w) of the



Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 04.14.2019, a group of people including appellants attacked the informant and also abused by caste name . It is further alleged that said attack is due to land dispute with the accused persons.

4. It is submitted on behalf of these appellants that appellants are innocent and has committed no offence as alleged. Allegation of assault is general and omnibus and they have made accused in this case only because there is admitted land dispute in between the parties. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned special Public Prosecutor for the State as well as learned counsel for respondent No. 2 opposed the prayer for bail.

6. Considering the aforesaid facts, 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 Court of the
Exclusive special Judge sc / st Act Gaya in connection with
Khijarsarai (Gaya) Police Station Case No. 108 of 2019.

(Prabhat Kumar Singh, J)

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