

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4723 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- PARAIYA District- Gaya

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- 1 . Vinay Yadav @ Vinay Kumar son of Balo Yadav Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya
 2. Pankaj Yadav @ Pankaj Kumar son of Sohan Yadav Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya
 - 3 . Dilip Kumar son of Mahendra Yadav Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya
 4. Dipak Yadav @ Himanshu Kumar son of Mahendra Yadav Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya
 - 5 . Suresh Yadav son of Late Ramswarup Yadav Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya
 6. Sunder Singh son of Late Salik Singh Vill- Kundila Mangrawan PS- Paraiya Dist- Gaya

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Lalmani Ravidas Son of Ram Bilas Ravidas Village- Up Mukhiya of Gram panchayat Mangrawan, Ps- Paraiya dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Prasad , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Mr. Rajesh Kumar , Advocate
		Mr. Sunil Kumar Yadav , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-03-2025 At the outset, learned counsel for the appellants seek permission to make correction in the address of appellant No. 6.

2. Permission accorded.

3 . Heard learned counsel for the parties.

4. This appeal has been filed for setting aside order



dated 26.07.2024 passed in a case registered for the offence punishable under sections 341, 323, 379, 325, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)(w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

5 . As per the prosecution case , on the alleged date and time of occurrence , informant namely Lalmani Ravidas along with others had gone to see the construction of the Panchayat Bhawan and it is alleged that all the F.I.R., named accused persons including these appellants abused informant by caste name and assaulted him and took away cash from pocket of informant.

6. It is submitted that appellants are innocent and have committed no offence as alleged. When informant of the case did not succeed in getting the construction place of Panchayat Bhawan transferred from Plot No. 134 of Khata No. 143 Area 50 decimal to Plot No. 334 of Khata No. 235 Area 02 Acre 02 decimal, then he along with his associates had gone to the spot and caused hindrance in the construction work and also snatched mobile phone from the contractor and demanded extortion from contractor for which Paraiya P S Case No. 92 of



2024 has been lodged by one Mithilesh Kumar against informant side . Allegation of abuse by caste name and assault is general and omnibus. It is not the case of the informant that any member of public was present at the time of incident, and as such no case under SC/ST Act is made out. Appellants claim clean antecedent.

7. Learned counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for bail.

8 . 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 Exclusive Special Judge, SC/St, Gaya in connection with Paraiya Police Station Case No. 93 of 2024 .

(Prabhat Kumar Singh, J)

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