

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5052 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- OBRA District- Aurangabad

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1. Krishna Yadav Son Of Late Lachaman Yadav Resident Of Village- Mayapur, P.S.- Obra, District- Aurangabad
 2. Manoj Yadav Son Of Lachaman Yadav Resident Of Village- Mayapur, P.S.- Obra, District- Aurangabad
 3. Sunil Yadav Son Of Lachaman Yadav Resident Of Village- Mayapur, P.S.- Obra, District- Aurangabad
 4. Bhim Yadav Son Of Krishna Yadav Resident Of Village- Mayapur, P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Singar Ram Son Of Rajkishor Ram Resident Of Village- Mayapur, P.S.- Obra, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rupa Kumari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 11-09-2025 None appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and
learned Spl. Public Prosecutor for the State.

3. This appeal has been filed against the order dated
09.10.2023 passed by learned Special Judge, SC/ST, cum 1st
Additional District & Sessions Judge, Aurangabad in connection
with Obra P.S. Case No. 350 of 2023, registered under Sections
341, 323, 307, 504/34 of the Indian Penal Code and Section 3(1)
(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Informant, namely, Ram Singar Ram alleged that on 4.8.2023 at 6:30 AM, all the F.I.R. named accused persons, including these appellants, abused him by caste name and on protest, assaulted him by means of *khanti*, *lathi* and iron rod causing severe injuries. It is further alleged that on 16.07.2023, accused persons kidnapped the niece of informant for the purpose of marriage.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Allegation of assault and abuse by caste name is general and omnibus. Injuries sustained by the injured are simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. It is further submitted that similarly situated co-accused, namely, Subhash Yadav has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 16.05.2024 passed in Cr. Appeal (SJ) No. 4712 of 2023. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. Considering the nature of accusation, injury and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST, cum 1st Additional District & Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 350 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 09.10.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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