

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5187 of 2023

Arising Out of PS. Case No.-41 Year-2020 Thana- GURUA District- Gaya

SOHRAI YADAV Son of Late Bechu Yadav R/o vill - Chansi, Beldar Bigha,
P.s. - Gurua, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Prasotam Kumar Son of Yogendra Mandalo R/o vill - Chansi, P.s. - Gurua,
Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Javed Jafar Khan, Avocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Md. Javed Jafar Khan, learned counsel

for the appellant, Mr. Sudhir Kumar Sinha, learned counsel for
the Informant as well as Mr. Sadanand Paswan, learned Spl.P.P.
for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
12.09.2023 passed by the learned Exclusive Special Judge,
SC/ST Special Court, Gaya in A.B.P. No. 290/2023 arising out
of Gurua P.S. Case No. 41 of 2020, F.I.R. dated 04.03.2020
registered under Sections 341, 323, 379, 504/ 34 of the Indian
Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that when he was returning home and reached near Barka Aahara, appellants arrived and assaulted him by means of *lathi, danda* and also abused him by taking his caste name.

4. Learned counsel for the appellant submits that appellant had clean antecedent and he has falsely been implicated in the present case. Although the appellants are named in the FIR but there is no specific allegation of assault or overt act against the appellant rather there is specific allegation against co-accused persons, namely, Tunu Yadav and Bindu Yadav who happen to be the son of the appellant and apart from that it transpires from the FIR that the appellant did not abused the informant by taking his caste name.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant vehemently opposed the prayer for bail of the appellant.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Hence, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released



on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya in A.B.P. No. 290/2023 arising out of Gurua P.S. Case No. 41 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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