

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5317 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- SC/ST District- Saran

1. GOVINDA KUMAR YADAV Son of Shiv Kumar Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
2. Lavkush Yadav @ Lavkush Kumar yadav Son of Ram Kumar Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
3. Pradeep Kumar Yadav Son of Shiv Kumar Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
4. Krishna Kumar Yadav Son of Ram Kumar Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
5. Pappu Yadav Son of Late Vijay Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
6. Amarjeet Kumar Yadav Son of Shambhu Nath Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
7. Ankit Kumar Yadav @ Ankit Yadav Son of Dhanjee Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra
8. Manu Kumar Yadav @ Monu Kumar Yadav Son of Suresh Yadav R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Sah Son of Late Rambichar Sah R/o vill - Bankatta, P.S. - Kopa, Distt. - Saran at Chhapra

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-05-2025 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order



dated 27.09.2023 passed in a case registered for the offence punishable under Sections 341, 323, 448, 452, 354, 379, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 01.08.2023, while the informant was going to his house on his motorcycle and as they reached near canal, the motorcycle being driven by Appellant No. 1 dashed into his motorcycle as a result of which he fell down from his motorcycle and received injuries. It is alleged that thereafter, all these appellants abused the informant by caste name and assaulted him and when Rohit Kumar Sah, Sita Devi and Meena Devi came to rescue him, they were also assaulted and abused by caste name. It is further alleged that all the accused persons also snatched *Mangalsutra* worth Rs. 40,000/- from neck of wife of informant.

5. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are quite innocent and have committed no offence. As a matter of fact, due to road rage, Respondent No. 2 assaulted these appellants and only with a view to save his skin this false and fabricated case has been



lodged against these appellants. The present case is counter-blast of Kopa P.S. Case No. 169 of 2023 which has been instituted on the statement of Appellant No. 1 against informant and others. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 27.09.2023 passed by the learned Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 3247 of 2023 arising out of SC/ST P.S. Case No. 14 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, 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



learned Special Judge, SC/ST Act, Saran at Chapra in
connection with SC/ST P.S. Case No. 14 of 2023.

(Prabhat Kumar Singh, J)

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