

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5410 of 2024

Arising Out of PS. Case No.-907 Year-2022 Thana- GAYA MUFASIL District- Gaya

PINTU KUMAR @ PINTU YADAV S/O KRISHNA YADAV @
KRISHANA YADAV @ KRISHANDEO YADAV Village- Koshaila PS-
Mahkar District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Chaudhary S/O Gaya Chaudhary Village- Channa PS- Chandaui District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 19-03-2025 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 28.09.2024, passed by learned Exclusive Special Judge SC/ST, Gaya, in ABP No. 306 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Muffasil Police Station Case No. 907 of 2022 registered for the offence punishable under Sections 341/323/307/504/506/34 of the Indian Penal Code and



Section 3(i)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 11.11.2022, in the afternoon, when the informant, while on duty at Taj Mining Company, objected to theft made by the appellant and co-accused persons, they hurled caste based abuse and assaulted him. When informant's companion Shashi Shankar Singh came at rescue, the accused persons fled away. After some time, the accused persons, including the appellant and 20-25 unknown persons, arrived there, armed with lathi, danda, iron rod, etc., and assaulted the informant and his companion.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to previous enmity. The allegation against the appellant is general and omnibus in nature. He next submits that appellant and other accused persons are employee of same company, where the informant works and due to grudge and politics the appellant has been implicated in this case. He further submits that caste based abuse was not made in full public view. In the alleged



occurrence, no injury has been caused to the informant and his companion. He further submits that similarly situated co-accused Om Prakash @ Om Prakash Yadav has been granted anticipatory bail by a this Court in Cr. Appeal (SJ) No. 2357 of 2023.

5. Despite notice having been served, no one appears on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that similarly situated co-accused person has been granted anticipatory bail by this Court, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 28.09.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 306 of 2024, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Exclusive Special Judge, SC/ST, Gaya, in connection with Muffasil Police



Station Case No. 907 of 2022, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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