

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5613 of 2024

Arising Out of PS. Case No.-258 Year-2022 Thana- OBRA District- Aurangabad

Akhilesh Yadav S/O Doma Yadav R/O Village- Mahadewa, P.S- Obra,
District- Aurangabad, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bimla Devi W/O Rajendra Paswan R/O Village- Mahadewa, P.O- Tejpura,
P.S- Obra, District- Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Yugal Kisore, Advocate Ms. Rupa Kumari, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-05-2025 Heard learned counsel appearing for the appellant 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 11.11.2024 passed in a case registered for the offence
punishable under Sections 341, 323, 504 and 34 of the Indian
Penal Code and Sections 3(1)(r) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of this appellant has
been rejected.



4. The prosecution case, all the six F.I.R. named accused persons, including this appellant, abused informant by caste name and assaulted him by means of fist and slap.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that son of informant purchased some goods from shop of co-accused Mithilesh Yadav and dispute arose over payment of dues in which a verbal duel took place between the parties and taking advantage of the situation, this false ad concocted case has been lodged. There is no injury report on record to substantiate the allegations. 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 this appellant. Appellant claims clean antecedents.

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

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 11.11.2024 passed by the learned Special Judge-SC/ST-cum-1st



Additional District and Sessions Judge, Aurangabad in connection with A.B.P. No. 2413 of 2024 arising out of Obra P.S. Case No. 258 of 2022 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge-SC/ST-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 258 of 2022.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

