

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5703 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- JAMHOR District- Aurangabad

-
-
1. Chandan Kumar Son of Ajay Yadav Resident of Village - Amilauna, P.S. - Jamhore, District - Aurangabad
 2. Abhishek Yadav @ Abhishek Kumar Son of Shyamsundar Yadav @ Ram Sundar Singh Resident of Village - Tendua, P.S. - Jamhore, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Gupta Ram Son of Late Haricharan Ram Resident of Village - Ushurumbhi, P.S. - Jamhore, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukul Kumari, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-10-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 29.11.2024 passed by the learned Special Judge, SC/ST- cum-Ist Additional District and Sessions Judge, Aurangabad in A.B.P. No. 2590 of 2024 arising out of Jamhore P.S. Case No. 78 of 2024 dated 02.05.2024 registered for the offence/s punishable u/ss 323, 341, 307, 504, 506 read with section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused and assaulted the informant's son and a villager. When the informant's father protested, all the accused persons including the appellants abused and assaulted him and his family members with lathi, danda and iron rod by calling his caste name and the appellant no.2 (Abhishek Yadav @ Abhishek Kumar) snatched Rs. 1200/- from the pocket of Virendra.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per the FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellants, however, the injured Birendra Kumar sustained a cut mark on left arm anteriorly which is grievous in nature. The appellant no.1 has clean antecedent and the appellant no.2 has one criminal antecedent as stated in para 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 29.08.2024 passed in Cr. Appeal(S.J.)



No. 2852 of 2024.

5. Learned Spl.P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 29.11.2024 passed by the learned Special Judge, SC/ST-cum-Ist Additional District and Sessions Judge, Aurangabad in A.B.P. No. 2590 of 2024 arising out of Jamhore P.S. Case No. 78 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST-cum-Ist Additional District and Sessions Judge, Aurangabad in A.B.P. No. 2590 of 2024 arising out of Jamhore P.S. Case No. 78 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

shivam/-

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

