

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5714 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- SC/ST District- Jamui

RAHUL YADAV @ RAHUL KUMAR SON OF KISHORE YADAV
RESIDENT OF VILLAGE - LAKHAPUR, P.S. - JAMUI, DISTRICT -
JAMUI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. AJIVI PASWAN SON OF LATE BARARSI PASWAN RESIDENT OF
VILLAGE - LAKHAPUR, P.S. - JAMUI, DISTRICT - JAMUI

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Satya Prakash Parasar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite filing *Vakalatnama*, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 01.12.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 307, 504, 506 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 thid
appellant has been rejected.

4. The prosecution case, in brief, is that on



19.07.2023 at about 10 AM, all the F.I.R. named accused persons, including this appellant, abused informant by caste name and assaulted him by means of Khanti, spade and lathi. The reason behind the occurrence is that she goat of the informant entered into the land of Kishori Yadav and was grazing.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. There are general and omnibus allegations and no specific accusation of overt act has been alleged against this appellant. Bare perusal of the F.I.R. would manifest that the genesis of the occurrence is a very trivial issue. Injuries sustained by the injured are simple in nature. It is further submitted that the present F.I.R. has been lodged after inordinate delay of 3 days and there is no plausible explanation for the same. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.



7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, delay in lodging of the F.I.R. and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 01.12.2023 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) & POCSO Act, Jamui in connection with A.B.P. No. 1897 of 2023 arising out of Jamui SC/ST P.S. Case No. 28 of 2023 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) & POCSO Act, Jamui in connection with Jamui SC/ST P.S. Case No. 28 of 2023.

(Prabhat Kumar Singh, J)

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