

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.121 of 2024

Arising Out of PS. Case No.-961 Year-2023 Thana- SHERGHATI District- Gaya

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1. MUNNA YADAV SON OF BIRDHU YADAV R/O VILLAGE- KUSHA, P.S.- SHERGHATI, DIST.- GAYA
 2. AJAY KUMAR @ AJAY YADAV SON OF BHOLA YADAV R/O VILLAGE- KUSHA, P.S.- SHERGHATI, DIST.- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SAROJ DEVI WIFE OF LATE LAKHAN MANJHI R/O VILLAGE- KUSHA, P.S.- SHERGHATI, DIST.- GAYA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ajit Ranjan Kumar, 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

3 24-07-2025 Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 30.11.2023 passed in a case registered for the offence punishable under Sections 341, 323, 385, 506 and 34 of the Indian Penal Code, Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 3 and 4 of the Dayaan Act, whereby the prayer for anticipatory bail of these appellants has



been rejected.

4. As per prosecution case, informant, namely Saroj Devi, alleged that on the alleged date and time of occurrence, all the F.I.R. named accused persons, including these appellants, came to her house and started abusing her by caste slurs and also called *Dayan*. It is further alleged that accused persons demanded Rs. 1,00,000/- as ransom.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and due to petty dispute, heated argument took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. There are general and omnibus allegations and no specific accusation of overt act has been alleged against these appellants. 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 these appellants. Appellants claim 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 and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 30.11.2023 passed by the learned Exclusive Special Judge SC/ST Court, Gaya in connection with A.B.P. No. 400 of 2023 arising out of Sherghati P.S. Case No. 961 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 Exclusive Special Judge SC/ST Court, Gaya in connection with Sherghati P.S. Case No. 961 of 2023.

(Prabhat Kumar Singh, J)

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