

Arising Out of PS. Case No.-149 Year-2020 Thana- BODHGAYA District- Gaya

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... .. Appellant/s

## Versus

- ... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      10-07-2025      Heard learned counsel for the parties. Despite  
valid service of notice , nobody appears on behalf of respondent  
No. 2.

2. This appeal has been filed for setting aside order dated 22.07.2023 passed in a case registered for the offence punishable under sections 147, 148 , 149, 323 , 324 , 325 , 337, 308 , 504 and 506 of the Indian Penal Code and sections 3(i) ( r ) ( s ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act ) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 02.05.2020, all the  
23 named accused persons including this appellant armed



variously came at the house of informant and assaulted informant and others with lathi and bricks etc and abused informant by caste name and also threatened with dire consequences.

4. It is submitted that appellant is innocent and has committed no offence as alleged. Present case is counter blast of Bodhgaya P S case No. 150 of 2020 which was lodged by one of the co-accused. Allegation of assault and abuse is general and omnibus against this appellant. There is no medical report on record to substantiate the allegation of assault. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, appeal is allowed and the impugned order is set aside. 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 like amount each to the satisfaction of learned Exclusive special Judge SC / ST spl.



Court Gaya in connection with Bodhgaya Police Station Case  
No. 149 of 2020.

(Prabhat Kumar Singh, J)

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