

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.646 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- BUDDHACOLONY District- Patna

1. NAKUL YADAV @ NAKUL KUMAR S/O LATE LAXMAN YADAV
VILLAGE- GATE OF SONU MEDICAL DUJRA, PS. BUDHA COLONY,
DIST. PATNA.
2. SAHDDEV YADAV @ SAHDEV KUMAR S/O LATE LAXMAN YADAV
VILLAGE- GATE OF SONU MEDICAL DUJRA, PS. BUDHA COLONY,
DIST. PATNA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHYAM KUMAR S/O LALIT PASWAN MOHALLA- DUJARA GANDHI
MURTI, PS. BUDHA COLONY, DIST. PATNA.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sabal Kumar Jha, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2026 Heard learned counsel appearing for the appellants

and learned Special Public Prosecutor appearing for the

respondent-State.

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

3. This appeal has been filed for setting aside order
dated 10.11.2023 passed in a case registered for the offence
punishable under Sections 323, 341, 504 and 34 of the Indian
Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, on 19.07.2023, these two accused-appellants, along with co-accused Suraj Yadav, assaulted informant and abused him with caste based slurs.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault and abuse by caste name is against co-accused Suraj Yadav. So far as these appellants are concerned, there is general and omnibus nature of allegations and no specific accusation of overt act has been levelled against these appellants. It is further submitted that 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. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

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 10.11.2023 passed by the learned Exclusive Special Court, S.C./S.T. Act, Patna in connection with A.B.P. No. 8318 of 2023 arising out of Budha Colony P.S. Case No. 449 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 Court, S.C./S.T. Act, Patna in connection with Budha Colony P.S. Case No. 449 of 2023.

(Prabhat Kumar Singh, J)

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