

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2174 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- WAJIRGANJ District- Gaya

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1. Ashok Yadav Son Of Rajendra Yadav Resident Of Village - Losighana, P.S. - Wazirganj, District - Gaya
 2. Rajendra Yadav Son Of Late Kedar Yadav Resident Of Village - Losighana, P.S. - Wazirganj, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitu Chaudhary Son Of Bindeshwari Chaudhary Resident Of Village - Amaithi Tola Mahuyet, P.S. - Wazirganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2026 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 28.03.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 88 of 2023 arising out of Wazirganj P.S. Case No. 720 of 2022 registered under Sections 341, 323, 308, 504/34 of the Indian Penal Code and Section 3(2)(V2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of



appellants has been rejected.

4. As per F.I.R., on 15.12.2022 at about 7:30 PM, when informant was at the shop of Rajesh Mistri, these appellants came there and abused the informant by caste name. Upon objection, appellant no. 1 assaulted on the head of informant with iron rod and when family members of informant came there to save him, they were also assaulted by the these appellants.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Due to petty dispute over boundary, altercation took place between the parties in which both sides sustained injuries. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellants. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today,



be enlarged on bail on furnishing bail-bonds 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, Gaya in connection with Wazirganj P.S. Case No. 720 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 28.03.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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