

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2244 of 2023

Arising Out of PS. Case No.-843 Year-2022 Thana- BODHGAYA District- Gaya

-
1. Prince Kumar Son Of Parsu Singh R/O-Rajapur, P.S.-Bodhgaya, Distt.-Gaya
 2. Pushkar Kumar @ Pursottam Prakash @ Purshottam Prakash Son Of Late Om Prakash R/O-Rajapur, P.S.-Bodhgaya, Distt.-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Kumar Son Of Ram Pravesh Manjhi R/O-Shivpur, p.s.-Magadh University, Distt.-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-03-2026 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 11.04.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 111 of 2023 arising out of Bodhgaya P.S. Case No. 843 of 2022 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) 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., when informant was going to attend



the coaching class, these appellants assaulted and abused the informant by caste name. It is further submitted that the accused persons also snatched gold chain.

5. Learned counsel for the appellants submits that both parties are friends and due to petty dispute, altercation took place between them. 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 ABP No. 111 of 2023 arising out of Bodhgaya P.S. Case No. 843 of 2022.

8. Accordingly, this criminal appeal is allowed and



impugned order dated 11.04.2023 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

