

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2068 of 2022**

Arising Out of PS. Case No.-195 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Bhatan Yadav @ Niraj Yadav Son Of Rameshwar Yadav Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
2. Guddu Yadav @ Guddu Kumar Son Of Niraj Yadav Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
3. Ramautar Yadav @ Ramautar Prasad Son Of Rameshwar Prasad Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
4. Birendra Yadav Son Of Rameshwar Yadav Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
5. Pramod Yadav @ Pramod Adhikari Son Of Bramdeo Prasad Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
6. Sanjeet Yadav @ Sanjit Kumar Son Of Chhote Lal Yadav Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
7. Vijay Pan @ Vijay Kumar Pan Son Of Pradeep Kumar Pan Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya
8. Madhu Kumari D/O- Ramautar Prasad Resident Of Gandhi Nagar, P.S.- Buniyadganj, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ganesh Chaudhary Chandar Chaudhary Resident of Gandhi Nagar, Police Station-Mufassil, District-Gaya

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Syed Asgher Najmi, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

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

5      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



21.05.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 98 of 2022 arising out of Muffasil P.S. Case No. 195 of 2022 registered under Sections 147, 148, 149, 323, 308, 504 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., these appellants assaulted informant and his brothers by means of *lathi*, *danda*, iron rod. It is further alleged that the accused persons also abused them by caste name and threatened with dire consequences.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, petty dispute over a cow led to an altercation in which both sides sustained injuries. Allegation against appellants is general and omnibus. No specific allegation of any overt act against the appellants. F.I.R. has been lodged after inordinate delay of 10 days which itself falsifies the prosecution case. 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, delay in lodging the F.I.R. and clean antecedents, 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 Muffasil P.S. Case No. 195 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 21.05.2022 is set aside with respect to these appellants only.

**(Prabhat Kumar Singh, J)**

Navya/-

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