

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2340 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- SC/ST District- Gaya

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1. Parmeshwar Yadav @ Parmeshwar Kumar Son of Devaki Yadav Resident of Village-Sabalpur, P.S. Fatehpur, District- Gaya.
 2. Sonu Yadav @ Sonu Kumar Son of Devaki Yadav Resident of Village-Sabalpur, P.S. Fatehpur, District- Gaya.
 3. Raj Nandan Yadav @ Raj Nandan Kumar Son of Surendra Yadav @ Surendra Prasad Yadav Resident of Village-Sabalpur, P.S. Fatehpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Rajvanshi Son of Angeshwar Rajvanshi Resident of Village-Sabalpur, P.S. Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anand Kishore Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Mr. Krishna Deo Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-01-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 20.03.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 90 of 2024 arising out of SC/ST P.S. Case No. 70 of 2023 registered under Sections 341, 323, 308, 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.

3. As per F.I.R., these appellants along with other named accused persons, armed with *lathi* and *danda*, verbally abused informant by caste name. Upon objection, the accused persons assaulted informant with fist, brick and stone and snatched Rs. 30,000/- from his pocket.

4. Learned counsel for the appellants submits that both parties are co-villagers and due to petty dispute this false and concocted case has been lodged. F.I.R. has been lodged after inordinate delay of 21 days without any plausible explanation, which itself raises doubt over veracity of the prosecution case. Allegation against appellants is general and omnibus. No specific allegation of any 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.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation, delay in lodging the F.I.R. 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. 90 of 2024 arising out of SC/ST P.S. Case No. 70 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 20.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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