

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2867 of 2024

Arising Out of PS. Case No.-192 Year-2018 Thana- JALALGARH District- Purnia

Pandav Yadav @ Pandav Kumar Yadav SON OF LATE JAYCHAND YADAV
VILLAGE- BEGAMPUR, PS- JALALGARH, DIST- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. REKHA DEVI WIFE OF ROHIN DHAMI VILLAGE- BEGAMPUR, PS- JALALGARH, WARD NO. 7, DIST- PURNEA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-04-2026 Heard learned counsel appearing for the appellant 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 19.12.2023 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 324, 504 and 506 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 anticipatory bail of this appellant has been rejected.



4. As per prosecution case, it is alleged that on account of dispute over removal of *Gumti*, all the F.I.R. named accused persons, including this appellant, assaulted informant and her husband and abused them by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, on account of petty dispute with regard to putting the *Gumti* on a particular place, an altercation took place between the parties. The present case is counter-blast of Jalalgarh P.S. Case No. 191 of 2018 which was lodged by co-accused Dilip Kumar Yadav against husband of informant for dismantling the *Gumti* of the appellant and assaulting them with *lathi*, *danda* and iron rod and only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. Moreover, allegation of assault and abused by caste name is general and omnibus and no specific accusation of overt act has been alleged against this appellant. 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 this appellant. Appellant claims clean antecedents.



6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 19.12.2023 passed by the learned Special Judge, SC/ST (POA) Act, Purnea in connection with A.B.A. No. 143 of 2023 arising out of Jalalgarh P.S. Case No. 192 of 2018 is hereby set aside with respect to these appellant only.

8. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Purnea in connection with Jalalgarh P.S. Case No. 192 of 2018.

(Prabhat Kumar Singh, J)

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