

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3799 of 2023

Arising Out of PS. Case No.-639 Year-2022 Thana- BODHGAYA District- Gaya

1. Sanjay Yadav S/O- Late Umesh Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
2. Amit Yadav son of Sanjay Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
3. Chhotu Yadav son of Late Krishna Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
4. Rohit Yadav son of Suresh Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
5. Nitish Kumar son of Manoj Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
6. Bitu Yadav son of Ashok Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
7. Sagar Yadav son of Murari Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
8. Birendra Yadav Son Of Rampravesh Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
9. Deepak Yadav Son Of Jagdish Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
10. Tapu Yadav Son Of Late Jalil Yadav Village- Newtapur Ps- Bodh Gaya Dist- Gaya
11. Ashok Pandey Son Of Late Rajendra Pandey Village- Newtapur Ps- Bodh Gaya Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajdev Manjhi son of Late Husain Manjhi Village- Newatapur Ps- Bodhgaya Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari I, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-03-2026 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 14.07.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 209 of 2023 arising out of Bodhgaya P.S. Case No. 639 of 2022 registered under Sections 147, 148, 341, 323, 354, 308, 506 of the Indian Penal Code and Section 3(2)(va) 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 and abused the informant by caste name and when wife of the informant came to save him, co-accused Amar Yadav assaulted her.

5. Learned counsel for the appellants submits that specific accusation of assault is against co-accused Amar Yadav. Allegation of assault against appellants is general and omnibus and there is no allegation of any specific overt act against them. Though these appellants are alleged to have assaulted the informant but there is no injury report on record to substantiate the allegations. 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 aforesaid facts, 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. 209 of 2023 arising out of Bodhgaya P.S. Case No. 639 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 14.07.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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