

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4157 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- WAJIRGANJ District- Gaya

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1. Ram Vriksh Yadav @ Ram Vriksh Prasad Yadav Son of Late Muneshwar Yadav Village- Malikpur Ps- Wazirganj Dist- Gaya
 2. Pankaj Yadav @ Pankaj Kumar son of Ram Vriksh Yadav @ Ram Vriksh Prasad Yadav Village- Malikpur Ps- Wazirganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Chaudhary son of Rup Lal Chaudhary Village- Kandha Ps- Wazirganj Dist-Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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 10.08.2023 passed by learned Exclusive Special Judge, SC/ST Special Court, Gaya in ABP No. 263 of 2023 arising out of Wazirganj P.S. Case No. 251 of 2023 registered under Sections 341, 323, 379/34 of the Indian Penal Code and Section 3(1)(r) (s), 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. Prosecution case, in brief, is that on 30.04.2023 at about 4 PM, all the F.I.R. named accused persons, including these appellants, started abusing informant by caste name. Upon protest, the accused persons assaulted informant by means of lathi and fists and snatched gold jewellery and Rs. 5,500/- from his pocket.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against the appellants. As a matter of fact, appellants have falsely been implicated in this false and concocted case due to prior enmity. After investigation, police did not find the allegation under Section 379 IPC to be true. 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 Special Court, Gaya in ABP No. 263 of 2023 arising out of Wazirganj P.S. Case No. 251 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 10.08.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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