

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4192 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- ATRI District- Gaya

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Mohan Yadav @ Mohan Kumar Son of Pravin Yadav village- Naudiha Ps-
Atri Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumar Son of Brijnandan Paswan Village- Tham Pathri Ps- Atri
Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Syed Asgher Najmi, Ms. Wajeeha Jaferi, Mr. Ashutosh Kumar Mishra, Ms. Neha Kumari Advocates
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-04-2026 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
13.05.2024 passed by learned Exclusive Special Judge, SC/ST
Gaya in ABP No. 148 of 2024 arising out of Atri P.S. Case No.
398 of 2023 registered under Sections 341, 323, 379, 504,
506/34 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
appellant has been rejected.



4. As per prosecution case, co-accused Chandan Kumar and Rahul Yadav assaulted one Ram Khelawan Paswan with rod and abused him by caste name. It is further alleged that the F.I.R. named accused persons entered the house of informant and snatched gold *Mangalsutra* from the neck of his wife.

5. Learned counsel for the appellant submits that specific accusation of assault is against co-accused Chandan Kumar and Rahul Yadav and there is no allegation of any specific overt act against the appellant. Appellant is not alleged to have abused informant by caste name as such, no case under SC/ST Act is made out against him. F.I.R. has been lodged after inordinate delay of about 22 days which itself raises doubt over veracity of the prosecution case. Appellant claims 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 antecedent, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge, SC/ST Gaya in ABP No. 148 of 2024 arising out
of Atri P.S. Case No. 398 of 2023.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 13.05.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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