

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5079 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- SUHAIL District- Gaya

- 1. Raj Kumar Yadav S/o Mahadev Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 2. Nageshwar Yadav S/o Mahadev Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 3. Munna Yadav S/o Mahadev Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 4. Kishori Yadav S/o Mahadev Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 5. Vijay Yadav S/o Mahadev Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 6. Rahul Kumar S/o Nageshar Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya
- 7. Manjeet Kumar S/o Raj Kumar Yadav Resident Of Village - Suhail, Salaiya, P.S.-Suhail, District- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ram Sewak Paswan S/o Late Narayan Paswan R/o vill - Sohail, P.S.- Sohail, Salaiya, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellants : Md. Javed Jafar Khan, Advocate
For the State : Ms. Usha Kumari 1, Spl.PP
For the Informant : Mr. Dharmendra Kumar Paswan, Advocate
Mr. Amar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order



dated 27.09.2024 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. As per prosecution case, informant alleged that on 26.08.2023 at about 3 AM, when he was returning from field, in the meantime, all these accused-appellants came and abused him by caste name and assaulted him.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Both parties are co-villagers and due to petty dispute, scuffle took place between the parties. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been levelled against these appellants. There is no injury report on record to substantiate the allegations levelled in the F.I.R.. 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 these



appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 27.09.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 301 of 2024 arising out of Suhail P.S. Case No. 41 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in connection with Suhail P.S. Case No. 41 of 2023.

(Prabhat Kumar Singh, J)

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