

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5574 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- GAYA MUFASIL District- Gaya

Mukul Singh Alias Mukesh Kumar Singh Son Of Indradeo Singh R/O Village
Mahiyarpur, Chata, P.S.- Tankuppa, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Devi Wife Of Sudhir Kumar Chaudhary R/O Village - Sohaipur, P.S.-
Muffasil, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Onkar Nath, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-03-2026 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
18.09.2023 passed by learned Exclusive Special Judge, SC/ST
Spl. Court, Gaya in ABP No. 288 of 2023 arising out of
Moffassil P.S. Case No. 48 of 2022 registered under Sections
323, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)
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, all the F.I.R. named accused persons assaulted informant and others and abused them by caste name.

5. Learned counsel for the appellant submits that appellant is not named in the F.I.R. and his name transpired during investigation. There is no allegation of any specific overt act against him and he is not alleged to have abused informant and others by caste name as such, no case under SC/ST Act is made out against him. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation and fact that petitioner is not named in the F.I.R. and claims 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 Spl. Court, Gaya in ABP No. 288 of 2023 arising out of Moffassil P.S. Case No. 48 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 18.09.2023 is set aside with respect to



this appellant only.

(Prabhat Kumar Singh, J)

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