

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1721 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Banka

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UMESH YADAV S/o- Kishan Yadav R/o- Village- Mathurabagh, P.S.-
Chandan (Amarpur) and District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey, Adv.
For the Respondent/s : Mrs. Usha Kumari No. 1, SPP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic COVID-19, the matter is listed with
defects.

Learned counsel for the appellant undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.07.2020 passed by learned 1st Additional Sessions Judge-cum Special Judge, SC/ST, Banka in connection with SC/ST Case No. 20 of 2020 registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation upon the appellant is that he abused the informant and his wife by taking his caste name and also assaulted him with fists and slaps.

It is submitted by learned counsel for the appellant is that appellant is innocent and has been falsely implicated in this case. He submits that date of occurrence is 18.04.2020 but FIR was lodged on 20.04.2020 and there is no explanation for the said delay. He submits that there is dispute between the parties for ownership of Mahua tree. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum Special Judge, SC/ST, Banka in connection with SC/ST P.S. Case No. 20 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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