

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1782 of 2020

Arising Out of PS. Case No.-44 Year-2017 Thana- BITHAN BAZAR District- Samastipur

VINOD KUMAR YADAV @ VINOD YADAV S/o Raghuni Yadav Resident
of Village-Kua, P.S-Bithan, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Mishra

For the Respondent/s : Mr. Vinay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Shri Vinay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 25.11.2019 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Samastipur in Anticipatory Bail Petition No. 2483 of 2019 arising out of Bithan P.S. Case No. 44 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Caste and



Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

As far as the appellant herein is concerned, he is alleged to have caught hold of the collar of the informant while the other co-accused person namely Dicson Yadav is alleged to have assaulted the informant as also abused him by taking his caste name.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having clean antecedent. It is further submitted that as far as the appellant herein is concerned, there is no allegation of him having abused the informant by taking his caste name, hence no case is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that there is no allegation against the appellant herein of having abused the informant by taking his caste name and moreover



there is no allegation of any sort of overt act as against the appellant herein, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with Bithan P.S. Case No. 44 of 2017 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 25.11.2019 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Samastipur in Anticipatory Bail Petition No. 2483 of 2019 arising out of Bithan P.S. Case No. 44 of 2017, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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