

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1808 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- DULHIN BAZAR District- Patna

RAJU YADAV S/o Adalat Yadav Resident of Village-Sadaveh, P.O.-Sadaveh,
P.S.-Dulhin Bazar, District-Patna 801102.

... .. Appellant/s
Versus
The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
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 appellants 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 19.06.2020 passed by the learned Additional District Judge-VIII-cum-Special Judge, SC/ST Court, Patna in Anticipatory Bail Petition No. 2611 of 2020 arising out of Dulhin Bazar P.S. Case No. 76 of 2020 registered under Section, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The informant is stated to be posted as an A.N.M. in



Primary Health Centre, Dulhin Bazar and it is alleged that while the informant was on visit to her area, the co-accused person namely Sunil Sharma, who is the husband of the Mukhiya came inside the chamber and had used caste specific words and started asking about medicine, whereafter he had tried to close the door of the chamber but when protest was made the said husband of the Mukhiya became angry, however, the informant had managed to inform her office and then the various officials had arrived at the spot. It is further alleged that the husband of the Mukhiya had then engaged in assaulting one Suresh Kumar and as far as the appellant herein is concerned, he along with other co-accused person had also engaged in scuffle with the X-ray Technician namely Amresh Kumar as also had snatched his mobile phone.

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 a 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 her caste name and in fact a general and omnibus allegation has been levelled against the appellant, hence no case is made out as against him much less 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 of the appellant having abused the informant by taking her caste name and moreover, there is no allegation of any sort of overt act qua 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 Special Judge, SC/ST Court, Patna in connection with Dulhin Bazar P.S. Case No. 76 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 19.06.2020 passed by the learned Additional District Judge-VIII-cum-Special Judge, SC/ST Court, Patna in Anticipatory Bail Petition



No. 2611 of 2020 arising out of Dulhin Bazar P.S. Case No. 76
of 2020, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

