

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.418 of 2020

Arising Out of PS. Case No.-387 Year-2019 Thana- BARH District- Patna

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1. SATISH YADAV @ SATISH KUMAR Son of Bauju Yadav @ Baijnath Yadav Resident of Village - Dalishman Chak, P.S.- Barh, District- Patna
 2. Manish Kumar Son of Shako Yadav Resident of Village - Dalishman Chak, P.S.- Barh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-02-2021 The learned counsel for the appellants submits that appellant No. 1, Satish Yadav @ Satish Kumar was arrested and he has already been granted regular bail and this appeal on his behalf has become infructuous and the learned counsel for the appellants sought permission to withdraw the appeal on behalf of appellant No.1.

Prayer is allowed.

This appeal is dismissed as withdrawn on behalf of appellant No. 1, Satish Yadav @ Satish Kumar.

Heard both sides.

The appellant No.2 filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention



of Atrocities) against the order dated 03.01.2020 passed by the learned Special Judge, SC/ST Act, Patna in ABP No. 9931/2019 for grant of anticipatory bail in Special case No. 392/2019, arising out of Barh P.S. case No. 387/2019, registered under Section 341, 323, 504, 506, 34 of the IPC and u/s 3(1)r of SC/ST Act.

The learned counsel for the appellant submits that appellant and two others are named in the FIR and it is alleged that they all assaulted the informant by naming his caste. At best it is a case under Section 323 and 504 of the IPC is made out. No offence under any Sections of the SC/ST Act is made out but it appears from perusal of the FIR itself that the appellant and two others went to the Darwaja of the informant, abused the informant and they also assaulted the informant with a view to humiliate him.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellant No.2, Manish Kumar, on anticipatory bail. Accordingly, the same is rejected.

If the appellant No.2 surrenders in the court below, the learned court below shall consider the prayer for regular bail of the appellant No.2 on its own merit without being prejudiced from the order of this court and after taking into consideration



the fact that one of the accused, namely, Satish Yadav @ Satish Kumar, has already been granted regular bail and dispose of the bail petition, preferably, on the same day.

This appeal is dismissed with the aforesaid observation.

(Prabhat Kumar Jha, J)

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