

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2355 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- BHAGWANGANJ District- Patna

SUBASH YADAV @ SUBASH KUMAR SON OF JAGDISH YADAV
RESIDENT OF VILLAGE- SARFABAD BALIARI, P.S. BHAGWANGANJ,
DISTRICT- PATNA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14A of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
against the refusal of prayer for bail vide order dated 12.03.2021
passed by the court of learned Special Judge (SC/ST), Patna in
connection with Spl. Case No.202/2020 arising out of
Bhagwanganj P.S. Case No.58 of 2020 registered under sections
323, 341, 448, 354(B), 504, 506, 34 IPC and sections 3(i)(r)(s),
3(2) of SC/ST Act.

The prosecution case in brief, is that the appellant had
entered into the house of the informant and misbehaved with his
daughter finding her alone in the house. On alarm raised by his



daughter, the informant reached there and he was also assaulted by the appellant. Later on other members of both sides reached there and the appellant and others assaulted the informant's side. They were abusing taking caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant is quite innocent and has been falsely implicated in the case on account of some dispute. There is case and counter case between the parties and the informant has assaulted the appellant causing grievous injury. The appellant was referred to P.M.C.H. where his fardbeyan was recorded and a case bearing Bhagwanganj P.S. Case No.89 of 2020 was registered against the informant of this case and others. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been languishing in custody since 20.02.2021 and has clean antecedent.

Learned Spl. PP for the State vehemently opposed the prayer for bail and submitted that there is a serious allegation against the appellant that he entered into the house of informant



finding his daughter alone.

In the facts and circumstance of the case, since there is a case and counter case between the parties, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST), Patna in connection with Bhagwanganj P.S. Case No.58 of 2020.

Impugned order dated 12.03.2021 is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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