

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2348 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- MANJHI District- Saran

Sarvan Yadav @ Sarwan Kr Yadav S/o- Ishwar Yadav Resident of Vill -
Natwar Gopi, P.O. - Nandpur, P.S. - Manjhi, Dist. - Saran-841213.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary

For the Respondent/s : Smt. Usha Kumari 1.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 09.01.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No.154 of 2020, registered under Sections 147, 149, 341, 323, 504, 385, 379 of the Indian Penal Code and 3(r)(s) of the SC/ST Act.

The appellant and others are said to have abused and assaulted the informant and others.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. It is further submitted that there is compromise between the parties. The compromise petition is annexed as Annexure-2 to this memo



of appeal. It is submitted that from perusal of the FIR, it appears that no specific overt act is alleged against the appellant. No case is made out under the provisions of SC/ST Act. It is further submitted that similarly situated other co-accused persons have already been enlarged on anticipatory by a co-ordinate Bench of this Court by order dated 14.07.2021, passed in Criminal Appeal (SJ) No.1797 of 2021

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Having considered the facts aforesaid, let appellant, above named, 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No.154 of 2020.

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

(Anjani Kumar Sharan, J.)

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