

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4192 of 2021

Arising Out of PS. Case No.-417 Year-2019 Thana- BIHIA District- Bhojpur

1. SINGHA YADAV @ RAJ KUMAR YADAV @ RAJ KUMAR SINGH Son of Kunj Bihari Yadav Resident of Village- Majhauri, P.S.- Bihiya, District- Bhojpur.
2. Satish Pal Son of Sanjay Pal Resident of Village- Majhauri, P.S.- Bihiya, District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surj Bansh Roy, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mrs.Rajani Ranjan Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2021 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 31.08.2021, passed by learned 1st Additional Sessions Judge, Bhojpur, in connection with Bihiya P.S. Case No.417 of 2019, giving rise to SC/ST Case No.204/2019, registered u/s 341, 323, 448, 307, 379, 504, 34 of the IPC and sections 3(1)(5), 3(i)(r), 3(2)(Va) of



the SC and ST Act. Later on section 302 IPC was added.

Allegation against the appellants is that they have abused and assaulted the informant and her husband on account of a dispute caused by theft of a cock of the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants are innocent and have been falsely implicated in the case due to village and dirty politics. There is no evidence on record to show that the appellants have committed any such occurrence. No incriminating article has been recovered from the conscious physical possession of the appellants. 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. In this case, the allegation of abusing against the appellants is said to have been done in the house of the informant, as such, no case under the SC/ST Act is made out against the appellants. There is an inordinate delay of one month in lodging the present case which creates doubt about the prosecution case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused have been granted bail vide order dated 11.11.2020 passed in Cr. Appeal (SJ) No.1637 of 2020 and vide



order dated 30.06.2021 passed in Cr. Appeal (SJ) No.2201 of 2021. The appellants have clean antecedent and have been languishing in custody since 28.08.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, in connection with Bihiya P.S. Case No.417 of 2019, giving rise to SC/ST Case No.204/2019.

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

(Anjani Kumar Sharan, J)

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