

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.387 of 2022

Arising Out of PS. Case No.-11 Year-2020 Thana- SC/ST District- Sheikhpura

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1. KAUSHAL YADAV Son of Arun Yadav Resident of Village - Nemdarganj, P.s.- Sheikhpura, Distt.- Sheikhpura.
 2. Rohit Yadav Son of Bhuneshwar Yadav Resident of Village - Nemdarganj, P.s.- Sheikhpura, Distt.- Sheikhpura.
 3. Saurav Yadav Son of Bhuneshwar Yadav Resident of Village - Nemdarganj, P.s.- Sheikhpura, Distt.- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Julius Paswan Son of Swarth Paswan Resident of Village - Nemdarganj, P.s.- Sheikhpura, Distt.- Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the appellants and learned Spl. 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 for **anticipatory bail** vide order dated 10.01.2022 in A.B.P. No. 20 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 11 of 2020 registered for the offences punishable under Sections 341, 323, 504, 506, 354 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i) and Section 3(2)(va) of the SC/ST Act.



Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 16.04.2020 while he was returning home at 06:00 AM, in the morning after harvesting his crops and reached near bank of the river, he was intercepted by the appellants who abused him by caste name, further alleges that one day prior to the present occurrence, the appellants had tried to outrage the modesty of his wife, which was objected by him on which Rohit had assaulted him with fist and bricks and again presently assaulted him by brick causing injury on head and chest and he was taken to hospital for treatment.

Learned counsel for the appellants submits that appellants have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the F.I.R., it would manifest that the allegation with respect to abuse is general and omnibus in nature i.e. no specific allegation has been alleged against any of the appellants that who abused, it is also submitted that though it is alleged that he was assaulted and he was treated in a hospital but then from perusal of the F.I.R., it would manifest that the same is based on a written application of the informant which further belies the allegation of assault and treatment, for the reason that if the informant had been treated in a hospital for any injury, then the hospital would have informed the police, it is next submitted that even charge sheet has been submitted as such no useful purpose



would be served now by sending the appellants to jail when admittedly the occurrence is not in public view as such prima facie no offence under the SC/ST is made out.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 10.01.2022 in A.B.P. No. 20 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 11 of 2020 is hereby set aside and the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sheikhpura SC/ST P.S. Case No. 11 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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