

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.419 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SIRDALA District- Nawada

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1. KARI DEVI W/O- CHANDO YADAV R/O VILLAGE- MANDAL, P.S.- SIRDALLA, DISTRICT- NAWADA
 2. AKHILESH KUMAR @ AKHLESH YADAV SON OF CHANDO YADAV R/O VILLAGE- MANDAL, P.S.- SIRDALLA, DISTRICT- NAWADA
 3. KAMLESH KUMAR @ KAMLESH YADAV SON OF CHANDO YADAV R/O VILLAGE- MANDAL, P.S.- SIRDALLA, DISTRICT- NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHISH KUMAR MISHRA (S.H.O.) S/O- LATE SHAMBHU NATH MISHRA R/O- VILLAGE- CHAUTRBA, P.S.- BAGHA, DISTRICT- WEST CHAMPARAN AT PRESENT S.H.O. SIRDALLA, P.S.- SIRDALLA, DISTRICT- NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the appellants and
learned Spl.P.P. for the State.

Learned counsel for the appellants seeks
permission to withdraw the present appeal with respect to
appellant nos. 2 and 3 as they were arrested during
pendency of the appeal.

Permission is accorded.

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 18.12.2021 in ABP No. 1387 of 2021 passed by the learned Exclusive Special Court SC/ST (POA) Act, Nawada in connection with Sirdalla P.S. Case No. 363 of 2021 registered under Sections 341, 353, 323, 307, 337, 332, 427, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and is a woman and the informant alleges that she along with police force and S.I. Sushil Kumar apprehended Chando Yadav, further the family members of the Chando Yadav i.e., the appellant along with other female accused created obstruction in discharge of official duty and addressed Sushil by his caste name.

Learned counsel for the appellant submits that from bare perusal of allegation as alleged in the FIR, it would manifest that prima-facie no offence under the SC/ST Act is made out, it is next submitted that the FIR even does



not disclose that as to who addressed Sushil by his caste name, as such the allegation of abuse or addressing Sushil by his caste is general and omnibus in nature, it is also submitted that if what has been alleged then definitely the accused would have fled, but then the accused who was apprehended was taken into custody and was brought to the police station, it is next submitted that it absolutely does not stand to reason that if what is alleged is true then the same occurred in presence of the police force and officials but still no one was arrested, this further creates doubt with regard to the veracity of allegation, as alleged in the FIR.

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

Considering the submissions made by the learned counsel for the appellant, the order dated 18.12.2021 in ABP No. 1387 of 2021 passed by the learned Exclusive Special Court SC/ST (POA) Act, Nawada in connection with Sirdalla P.S. Case No. 363 of 2021 is hereby set aside and the appellant no.1, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sirdalla P.S. Case No. 363 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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