

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1542 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- LAXMIPUR District- Jamui

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1. SHAMBHU YADAV Son of Sri Bashudeo Yadav Resident of Village - Sankhapari, P.S.- Laxmipur, District - Jamui.
 2. Vikash Yadav @ Vikash Kumar Son of Sri Bashudeo Yadav Resident of Village - Sankhapari, P.S.- Laxmipur, District - Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saroj Kumar Late Sabadu Paswan R.O. Village- Desana, P.S.- Ashthawan, District-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prakash Mahto, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Surya Narayan Sah, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 25-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

Learned counsel for the appellants undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

At the very outset, learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail as against the appellant no.1, as during the pendency of this appeal, he has been apprehended by the police.

Accordingly, this appeal as against the appellant no.1 is dismissed as withdrawn.



Now, it is being heard for consideration of anticipatory bail on behalf of the appellant no.2 only.

This is an appeal under section 14(1)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21.12.2020/06.01,2021, passed by learned A.D.J. 1st, Jamui, in connection with Laxmipur P.S. Case No.385/2020, registered under sections 147, 148, 149, 323, 324, 325, 332, 333, 307, 427 of the IPC and sections 3(2)(Va) of the SC/ST Act.

Allegedly, on information regarding theft of forest wood, informant along with other Force raided the shop of one Basudeo Yadav and in the meantime, the FIR named accused persons including the appellant no.2 surrounded the raiding party and assaulted them, due to which the members of the raiding party sustained injuries and glass of vehicle was also damaged.

It is submitted by learned counsel for the appellant no.2 that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no case under the SC/ST Act is made out against the appellant as there is no specific allegation against him to



abuse the informant's side. There is general and omnibus allegation against the appellant. There is a case and counter case between the parties and in the alleged occurrence both sides have sustained injuries, which are simple in nature. Appellant no.2 has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since there is case and counter case between the parties and the injuries are simple in nature, the appellant no.2 named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 A.D.J.M. 1st, Jamui, in connection with Laxmipur P.S. Case No.385/2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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