

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.564 of 2022

Arising Out of PS. Case No.-608 Year-2021 Thana- SIKARPUR District- West Champaran

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DHRUP YADAV @ DHRUV YADAV Son of Late Bhusi Yadav Resident of
Village - Kaulachi, P.s.- Shikarpur, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Adv
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14 (A) (2) 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 07.01.2022, passed by learned Additional District and Sessions Judge 1st cum Special Judge, S.C./S.T. Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 608 of 2021 registered under sections 341, 342, 323, 324, 307,



504 of the Indian Penal Code and 3(i),(r),(s) S.C./S.T. Act.

Allegedly, the appellant assaulted the informant by means of knife and abused him by taking caste name.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case due to dirty village politics. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellant. He further submitted that no offence under the SC/ST Act is made out against the appellant as the informant belongs to the '*Lohar*' caste and the Apex Court vide judgment passed in the case of ***Sunil Kumar Rai & Ors. Vs. The State of Bihar & Ors.*** passed in ***Writ Petition (Civil) No.1052 of 2021***, has set aside the notification of the State Government, in which '*Lohar*' was kept in the category of SC/ST. The appellant has no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

Learned Spl.P.P for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since the category lohar does not belongs to the SC/ST category, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional District and Sessions Judge 1st cum Special Judge, S.C./S.T., Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 608 of 2021, 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 allowed.

(Anjani Kumar Sharan, J)

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