

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.761 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. VIDYANAND YADAV Son of Late Chulhay Yadav Resident of Village- Pama Ward No. 4, P.S.- Saur Bazar (Patarghat O.P.), District- Saharsa.
2. Sudhir Yadav Son of Late Chulhay Yadav Resident of Village- Pama Ward No. 4, P.S.- Saur Bazar (Patarghat O.P.), District- Saharsa.
3. Sanjay Yadav @ Sanjiv Yadav @ Sanjay Yadab Son of Ravindra Yadav Resident of Village- Pama Ward No. 4, P.S.- Saur Bazar (Patarghat O.P.), District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Ravindra Ram Resident of Village- Pama Ward No. - 4, P.S.- Saur Bazar (Patarghat O.P.), District- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarnath Jha
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-12-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal so far as appellant no. 2 Sudhir Yadav is concerned.

Prayer is allowed. The appeal stands dismissed as withdrawn in respect of appellant no. 2.

Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 09.02.2022 passed by learned A.D.J.-III, Saharsa in Saur Bazar



(Patarghat) P.S. Case No. 431 of 2021 registered for the offence punishable under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(wi), 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., appellant no. 1 is alleged to have abused the informant by her caste name and appellant no. 3 is alleged to have disrobed the informant.

Learned counsel for the appellant submits that there is no allegation of overt act against aforesaid appellants. Both parties are on litigating terms due to land dispute. The insult caused to the informant is not based on caste and as such, no offence under the SC/ST Act is made out against these appellants.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 09.02.2022, so far as appellants no. 1 & 3 are concerned, is, hereby, set aside and appeal is disposed of.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named



appellants no. 1 and 3 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-III, Saharsa in connection with Saur Bazar (Patarghat) P.S. Case No. 431 of 2021.

(Prabhat Kumar Singh, J)

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