

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1863 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- SC/ST District- Saharsa

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1. PINTU YADAV Son of Late Jadu Yadav Resident of Village - Khochardeva, P.S. - Salakhua, District - Saharsa.
 2. LALAN YADAV Son of Rajdeep Yadav Resident of Village - Khochardeva, P.S. - Salakhua, District - Saharsa.
 3. BAHADUR YADAV Son of Kalo Yadav Resident of Village - Khochardeva, P.S. - Salakhua, District - Saharsa.
 4. AWDESH YADAV Son of Bandeylal Yadav Resident of Village - Khochardeva, P.S. - Salakhua, District - Saharsa.
 5. SANJAY BHAGAT Son of Rajachandra Bhagat Resident of Village - Khochardeva, P.S. - Salakhua, District - Saharsa.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Ravindra Paswan Krishna Dev Paswan Resident of Village-Khochardeva, P.S.-Salakhua, District-Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ankit Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

By order dated 12.04.2022, notice was issued to respondent no.2. The office points out that the notice has validly been upon respondent no.2, but today nobody appears on behalf of respondent no.2.

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 of anticipatory bail vide order dated 25.01.2021, passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (Prevention of Atrocities) in connection with Saharsa (SC/ST) P.S. Case No.34 of 2020, registered under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(w)(i), 3(2)(va) of the SC/ST Act.

The appellants are said to have assaulted the informant. Bahadur Bhagat took out Rs.5000/- from the pocket of the informant. Lalan Yadav snatched chain made of gold from the informant. Pintu Yadav is said to have assaulted the *bhabhi* of the informant with fists and slaps. The appellants are also said to have abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no specific overt act against the appellants rather the allegations are general and omnibus. It is further submitted that the occurrence took place on 03.11.2020, but the FIR was lodged on 12.11.2020 after delay of nine days without giving any explanation. It is also submitted that the appellants no.1 to 4 have got no criminal antecedent and appellant no.5 has



got two criminal antecedents as stated in paragraph-3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the fact that there is delay in lodging the FIR without giving any explanation, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), Saharsa or successor in office in connection with Saharsa (SC/ST) P.S. Case No.34 of 2020, subject to the conditions 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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