

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2055 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- SC/ST District- Jehanabad

=====

KAMLESH YADAV @ KAMLESH KUMAR S/o Mosafir Yadav Resident of
Kako, Supi, P.S.- Kako, District- Jehanabad.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Anil Kumar Nandlal Ram R/o Village-Jalalpur, O.P.-Bhelawar, P.S.-Kako,
District Jehanabad

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Sanchay Srivastava, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Amrendra Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

Learned counsel for the appellant is directed to remove
the defects within four weeks.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
25.01.2021, passed by learned Additional Sessions Judge-I,
Jehanabad, in connection with Jehanabad P.S. Case No.02 of
2020, registered u/s 341, 323, 324, 325, 379, 504, 506 and 34 of



the IPC and sections 3(I)(r)(s) and 3(2)(va) of the SC/ST Act.

Allegedly, the appellant is said to have used casteist slurs against the informant and also assaulted the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is a money transaction dispute between the parties. It is submitted that the real fact is that the informant himself has kept about Rs.3,000/- belonging of the appellant and is not returning the same and falsely implicated the appellant in this false case. It is further submitted that the alleged occurrence is said to have taken place on 10.01.2020 but the F.I.R. was lodged on 16.01.2020 i.e. after a delay of more than six days and plausible explanation regarding the delay has been given, which creates doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and submits that there is specific allegation against the appellant and other accused persons to have assaulted and abused the informant in the caste name, which is apparent from the F.I.R. itself.



Considering the facts and circumstances of the case and the delay in lodging the F.I.R., 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, 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 Special Judge, SC/ST Act, Jehanabad, in connection with Jehanabad P.S. Case No.02 of 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 allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

