

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2021**

Arising Out of PS. Case No.-48 Year-2019 Thana- BASOPATTI District- Madhubani

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Pawan Yadav S/o Late Uttim Yadav R/o Village Balat, P.S. Basopatti, District Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Guriya Devi Devendra Ram Resident of village-Balet,P.S-Basopatti,District-Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For Res. No.2	:	Mr. Ratnakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 18-10-2022 Heard learned counsel for the appellant, learned Special P.P. for the State as well as learned counsel appearing 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 15.10.2020, passed by learned 1st Additional Sessions Judge, Madhubani in connection with Basopatti P.S. Case No.48 of 2019, registered under Sections 341, 342, 323, 448, 354B, 504, 506 of the Indian Penal Code and Section 3(i)(s) of the SC/ST Act.

Learned counsel for the appellant submits that the



appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that there is general and omnibus allegation against the appellant. It is also submitted that there is nothing on record to show that the appellant has abused the informant by naming her caste.

Learned Special P.P. for the State as well as learned counsel for the appellant opposed the prayer for anticipatory bail of the appellant and submitted that the learned court below has taken cognizance against the appellant in the present case.

Taking into consideration the fact that there is general and omnibus allegation against the appellant, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Madhubani in connection with Basopatti P.S. Case No.48 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this



appeal is allowed.

It is made clear that if cognizance has already been taken against the appellant, the learned court below shall not accept the bail bond of the appellant.

(Anjani Kumar Sharan, J)

Sanjay/-

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