

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2628 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- BAHADURPUR District- Darbhanga

1. PAWAN KUMAR YADAV @ PAWAN KUMAR Son of Fuldeo Yadav Resident of Village - Ganj Bajitpur, P.S.- Bahadurpur, Distt.- Darbhanga.
2. Fuldeo Yadav Son of Sitaram Yadav Resident of Village - Ganj Bajitpur, P.S.- Bahadurpur, Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anil Kumar Junior Electrical Engineer, Electric supply Division, Bahadurpur, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellants : Mr. Ugranath Mallik, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 18-10-2022 Heard learned counsel for the appellants and learned Special P.P. for the State.

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 08.02.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with Bahadurpur P.S. Case No.11 of 2021, registered under Sections 323, 353, 504, 506/34 and 379 of the Indian Penal Code and Sections 3(i)(r) 3(i)(s) of the SC/ST Act.



Learned counsel for the appellants submits that the appellant are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that the occurrence took place on 04.01.2021 and FIR was lodged on 07.01.2021, after delay of three days without giving any explanation, which creates a serious doubt on the prosecution case. It is further submitted that the appellants have also filed a case against the informant (Annexure-7 of the memo of appeal). It is also submitted that appellant no.1 filed a complaint on 10.01.2020 before the Public Grievance Redressal Forum, Darbhanga and the Forum found that the correct bill is about Rs.23,318/-. The appellants have already deposited the current bill, i.e., Rs.23,318/-. It is submitted that thereafter the informant again came to the flour mill of the appellants and demanded money. When the appellants refused to oblige the informant then the present case has been filed against the appellants by the informant.

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

Taking into consideration the facts that no specific overt act is alleged against the petitioners and the FIR was



lodged after a delay of three days, 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 enlarged 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with Bahadurpur P.S. Case No.11 of 2021, 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.

(Anjani Kumar Sharan, J)

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