

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2974 of 2021

Arising Out of PS. Case No.-47 Year-2015 Thana- SC/ST District- Nawada

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MUKESH YADAV Son of Sahdev Prasad Yadav Resident of Village-
Dariyapur, P.S.- Akbarpur, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ajanti Devi Suresh Rajvanshi Aged about...,Resident of Village-Govindpur,
P.S.-Govindpur, District-Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr.Adv Mr. Anuj Kumar, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-10-2022 Heard the parties.

The office pointed out that the notice has been validly served upon the respondent no.2 but 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 27.03.2019, passed by learned 1st Additional Sessions Judge, Nawada in connection with S.C./S.T.(Nawada) P.S. Case No.47 of 2015 registered under sections 341, 323, 504, 506, 447, 427 of the Indian Penal Code and 3(1)(x)(xi) of



the S.C./S.T. Act.

Allegedly, the appellant alongwith other co-accused assaulted the informant and also abused him by taking caste name.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the him. There is no specific overt act against the appellant. There is general and omnibus allegation against him. The specific allegation is against the co-accused Sanjay Yadav. Appellant has two criminal antecedent, which is also mentioned in para-3 of the memo of appeal.

Learned Spl.P.P for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is general and omnibus allegation against the appellant, let 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, 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 1st



Additional Sessions Judge, Nawada, in connection with
S.C./S.T.(Nawada) P.S. Case No.47 of 2015, 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)

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