

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3011 of 2021

Arising Out of PS. Case No.-41 Year-2018 Thana- SC/ST District- Gaya

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1. SHIV NANDAN YADAV S/o Tileshwar Yadav Resident of Village- Mahmadpur, P.S.- Tankuppa, District- Gaya.
 2. UMA DEVI W/o Shiv Nandan Yadav Resident of Village- Mahmadpur, P.S.- Tankuppa, District- Gaya.
 3. GORE LAL YADAV @ GORE LAL S/o Shiv Nandan Yadav Resident of Village- Mahmadpur, P.S.- Tankuppa, District- Gaya.
 4. SUSHMA KUMARI @ SUSHMA DEVI W/o Gorelal Yadav Resident of Village- Mahmadpur, P.S.- Tankuppa, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi Wife of Suraj Choudhary Village- Mahamadpur, P.S- Tankuppu Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Sharma
For the Respondent/s	:	Mrs.Usha Kumari
		Mr.Vishwa Ranjan Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard the parties.

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 10.02.2020, passed by Exclusive Special Judge (SC/ST.Act) Gaya in connection with S.C./S.T. P.S. Case No.41 of 2018 (arising out of complain case No.1187/2018) registered under sections 341, 323, 147, 325 and 504 of the Indian Penal



Code and 3(i)(r)(s) S.C./S.T. Act.

Allegedly, the appellants alongwith other accused persons assaulted the informant's side and abused them by taking caste name.

Learned Counsel for the appellants submits that appellants are innocent and have 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 appellants. There is no specific overt act against the appellants. He also referred to para 32 and 33 of the case diary. There is general and omnibus allegation against the appellants. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail and submits that from the perusal of the F.I.R. it is clear that the appellants have abused the informant by taking caste name. He further submits that the police denied to lodge F.I.R. therefore, he filed a complaint petition.

Considering the facts and circumstances of the case, since there is specific overt act against the appellants, I am not



inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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