

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3643 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- SIRDALA District- Nawada

SADHU YADAV @ DIWAKAR YADAV Son of Late Dular Yadav Resident
of Village- Bahuara, P.S.- Sirdala, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramasis Rajbansi son of late Parmeshwar Rajbansi R/O - Pandeydih, P.S.-
Sirdala, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 03-08-2022 Heard learned counsel appearing on behalf of the
appellant and the State.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Patna Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the order dated 06.07.2021 passed by learned Special Judge SC/ST (POA) Act, Nawada in connection with Sirdala P.S. Case No. 60 of 2021, registered under Sections 341, 323, 324, 504, 506, 384 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant has been rejected.

As per prosecution case, this appellant demanded



fish from the informant and on protest he abuses the informant by taking his caste name, assaulted him and poured hot oil on the body of informant as a result of which he sustained burn injuries.

It is submitted that appellant has falsely been implicated in this case. No such occurrence, as alleged in the FIR, has ever taken place. The falsity of prosecution case is apparent from this fact alone that occurrence took place on 12.02.2021 but the FIR was lodged on 14.02.2021, after two days of the occurrence, without any explanation.

However, learned Spl. P.P. vehemently opposed the prayer and submitted that there is direct and specific allegation against this appellant that he abused the informant by taking his caste name, assaulted him and also poured hot oil on his body as a result of which he sustained burn injuries.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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