

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3534 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

1. RAJU YADAV @ RAJEEV RANJAN KUMAR S/O Ramashish Yadav Resident of Village - Bari Pahari, P.s.- Bye Pass, District - Patna.
2. BIJIT KUMAR @ BAGHWA S/o Siya Saran Yadav Resident of Village - Bari Pahari, P.s.- Bye Pass, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. SATISH KUMAR S/o Indradeo Chaudhary Resident of - Kumharar, P.S.- Agamkuan, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Singh, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2022 **Re:- I.A. No.1 of 2021**

This interlocutory application has been filed for condoning the delay of 3 and half months in filing of this appeal.

In view of the Apex Court order dated 10.01.2022, in *Re: Cognizance for Extension of Limitation*, Suo Moto Writ (Civil) No. 3 of 2020, the delay in filing of this appeal is hereby condoned.

Accordingly, I.A. No.1/2021 is allowed and disposed of.

Re:- Cr. App (SJ) No.3534 of 2021

Heard learned counsel for the appellants and learned Spl.P.P. for the State.



Although, notice was validly served upon respondent no.2 as per the office notes but nobody appears on his behalf.

This is an appeal under section 14A(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 29.01.2021, passed by learned A.D.J.-III-cum-Special Judge, SC/ST, Patna, in connection with Ram Krishna Nagar P.S. Case No.337 of 2020, registered u/s 447, 341, 323, 307, 384, 504, 34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the F.I.R. named accused persons including the appellants came armed with deadly weapons came to informant and his associates and started abusing the informant to go away from the pond. Thereafter, appellant no.1 hit by rod on the head of one Amar Nath Chaudhary and appellant no.2 beat by the butt of katta on the head of one Amit Kumar.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no



specific allegation against the appellants to abuse the informant by taking his caste name. There is general and omnibus allegation against the appellants to assault the informant's side. The injuries sustained by the injured are simple in nature. Petitioners have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants to abuse the informant by taking his caste name, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III-cum-Special Judge, SC/ST, Patna, in connection with Ram Krishna Nagar P.S. Case No.337 of 2020, 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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