

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2710 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- PURNEA SADAR District- Purnia

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SRINATH YADAV Son of Rajdeo Yadav Resident of village - Singghia,
Basti, Gulabbagh, P.S.- Sadar, District - Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Chandra A.S.I. Sadar P.S. District - Purnia Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-09-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The F.I.R. was lodged by the A.S.I., who is represented by
State, as such, no notice is required to be issued upon the
respondent no.2/informant.

Learned counsel for the appellant is directed to remove
the defects within three weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is an appeal under section 14(A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated



22.02.2022, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Purnia, in connection with Sadar P.S. Case No.156/2021, registered under sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504, 506 of the IPC and section 3(i)(r)(s)/ 3(2)(va) of SC/ST Act.

Allegedly, when the informant being A.S.I., tried to pacify a dispute between two parties while the accused persons were threatening to kill one Raj Kumar Agrawal and his family, accused disobeyed the informant and co-accused persons started abusing and assaulting the informant. The appellant is said to have assaulted with iron rod to a constable and abused the police the party.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no specific overt act against the appellant to abuse the informant by taking caste name. The allegation against the appellant is to assault one constable by means of iron rod but the injury is simple in nature. Appellant has one criminal antecedent, which was lodged for the same incident by one Raj Kumar Agrawal.

Considering the facts and circumstances of the case, since



the injuries are simple in nature, 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, is directed to 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 -cum- Special Judge, SC/ST Act, Purnia, in connection with Sadar P.S. Case No.156/2021, 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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