

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2763 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- GURUA District- Gaya

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1. BHIM YADAV Son of Late Rupu Yadav Resident of Village - Kaj , P.S.- Gurua, Distt.- Gaya.
 2. Mahendra Yadav Son of Bhim Yadav Resident of Village - Kaj , P.S.- Gurua, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 31.03.2022 in A.B.P. No. 49 of 2022 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gurua P.S. Case No. 36 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.



The informant alleges that appellants abused by taking his caste name and also assaulted with fists and slaps.

Learned counsel for the appellants at the outset submits that an I.A. application has been filed seeking condonation of delay, for reasons stated in the condonation application the delay is condoned. Learned counsel next submits that appellant no. 1 has antecedent of one case and appellant no. 2 has antecedent of two cases, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that the allegation of assault and abuse is general and omnibus in nature, it is further submitted that informant does not allege where the occurrence took place which creates doubt with regard to the veracity of the allegation.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 31.03.2022 in A.B.P. No. 49 of 2022 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gurua P.S. Case No. 36 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gurua P.S. Case No. 36 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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