

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4118 of 2021**

Arising Out of PS. Case No.-89 Year-2016 Thana- MAHILA P.S. District- Araria

CHHOTIYA YADAV @ VIVEKANAND YADAV @ CHHOTU KUMAR
Son of Kari Yadav @ Kalanand Yadav Resident of Village- Sarwaha, P.S.-
Raniganj, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.
Mr.Dhirendra Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 28-04-2022 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

By way of filing a supplementary affidavit, it is submitted
by learned counsel for the appellant that the correct date of
reporting of the occurrence is 04.10.2016 and the correct date of
cognizance is 18.12.2018, which were earlier wrongly
mentioned at para-8 and para-10 of the memo of appeal.

Accordingly, the same be read as aforesaid.

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



dated 08.09.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Araria, in connection with Spl. SC/ST Case No.130 of 2018, arising out of Araria (Mahila) P.S. Case No.89 of 2016, registered under sections 452, 341, 323, 354(B), 379, 506/34 of the IPC and section 3(i)(d)/3(i)(r)/3(i)(w)(i)(z) of the SC/ST Act.

Allegedly, the FIR named accused persons have badly assaulted the informant, her mother and her husband's friend.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case on account of local dirty politics. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no specific allegation against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Furthermore, the FIR has been lodged after 21 days of the occurrence, which creates doubt about the prosecution case. The case has been compromised between the parties. The appellant has been languishing in custody since 05.03.2021 and has one criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 have fairly submitted that the case has



been compromised.

In the facts and circumstance of the case, since there is a compromise between the parties, the above named appellant 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, Araria, in connection with Spl. SC/ST Case No.130 of 2018, arising out of Araria (Mahila) P.S. Case No.89 of 2016.

Impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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