

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4750 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- SC/ST District- Araria

JANARDAN YADAV @ JANARDAN PRASAD YADAV S/o Late
Bhuvneshwari Yadav Resident of Village - Charaiya Purvi, Ward No. -10, P.S.
- Bhargama, District - Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Prasad Singh,Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1,APP Mr.Pankaj Kumar Jha,Advocate

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

2 13-07-2022 Heard learned counsel appearing on behalf of the
appellant, State and informant.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the 'SC/ST Act') against the order dated 08.03.2021 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 150 of 2020, arising out of Araria (SC/ST) P.S. Case No. 54 of 2020, registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3(i) (s), 3(1)w of the SC/ST Act, whereby the prayer for anticipatory bail of appellant has been rejected.

The prosecution case, in brief, is that on 07.06.2020 at



8:00 AM, the appellant and other FIR named co-accused alongwith 4-5 unknown persons came and abused the informant with his caste name and assaulted him with *lathi* and when wife of informant came to rescue, the accused persons tore her sari and blouse causing her half naked and took away her silver chain.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case and present case is counter blast of Bhargama P.S. Case No. 95 of 2020, which was lodged by the appellant against the informant and others prior to the institution of the present case. It is further submitted that there is delay of one month in lodging the present F.I.R. without there being any plausible explanation. The alleged occurrence did not take place in public view and as such, no case under the SC/ST Act is made out against the appellant and the allegation of abuse with caste name is only to make the case grave in nature. Appellant has got clean antecedent.

However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against this appellant that he alongwith others abused and assaulted the informant and also misbehaved with wife of informant.



Considering the aforesaid facts and circumstances as well as nature of allegation and clean antecedent of appellant, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 150 of 2020, arising out of Araria (SC/ST) P.S. Case No. 54 of 2020.

Accordingly, the impugned order, so far as this appellant is concerned, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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