

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4132 of 2022**

Arising Out of PS. Case No.-284 Year-2022 Thana- GOVINDPUR District- Nawada

KRISHNABALLABH YADAV @ K.B YADAV Son of Yadunandan Yadav
R/V- Sarkanda, P.S- Govindpur, Dist- nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Uday Das Son of Yamuna Das R/V- Sarkanda, P.S- Govindpur, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manisha Prakash
For the Respondent/s	:	Mr.Sadanand Paswan

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

2 14-12-2022 Heard learned counsel for the parties.

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 of anticipatory bail vide order dated 14.10.2022, passed by learned Exclusive Special Court, Scheduled Castes and Scheduled Tribes (P.O.A.) Act, Nawada in connection with Govindpur P.S. Case No.284 of 2022, registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The appellant has got one criminal antecedent as



stated in paragraph-3 of the memo of appeal. It is further submitted that the occurrence took place on 14.07.2022, but the FIR was lodged on 12.08.2022, after delay of 28 days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellant by submitting that the appellant has got more criminal antecedent, which is not mentioned in paragraph-3 of the memo of appeal.

Having considered the facts aforesaid and the fact that FIR was lodged after delay of 28 days, let 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 bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Scheduled Castes and Scheduled Tribes (P.O.A.) Act, Nawada in connection with Govindpur P.S. Case No.284 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.



The learned court below is directed to verify the criminal antecedent of the appellant at the time of accepting bail bond. If it is found that the appellant has got more than one criminal antecedent, his bail bond shall not be accepted by the learned court below.

It is made clear that if the appellant has been acquitted in any criminal case lodged earlier against him, the learned court below shall not treat that case as criminal antecedent against the appellant.

(Anjani Kumar Sharan, J)

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