

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5106 of 2019

Arising Out of PS. Case No.-6 Year-2014 Thana- SC/ST District- Banka

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1. RADHO YADAV @ RAGHO YADAV Son of Late Santoshi Yadav Resident of Village- Tarapadhar, P.S- Banka, District- Banka.
 2. Etawari Yadav Son of Raghu Yadav Resident of Village-Tarapadhar, P.S- Banka, District-Banka.

... .. Appellants.

Versus

1. The State of Bihar
2. Adhiklal Mandal son of Jitu Mandal R/O village- Makduma, P.S.- Amarpur, District- Banka

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Dhirendra Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

Vide order dated 06.12.2021, notice was issued to newly added respondent no.2 and office has reported that notice has personally been received by him but there is no representation on his behalf.

After some arguments, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2.

Permission is granted.



Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2 only.

However, appellant no.2 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law.

Now, this appeal is only with respect to appellant no.1.

This is an appeal under Section 14(A)(2) 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 of anticipatory bail vide order dated 30.09.2019 passed by learned 1st Additional Sessions Judge, Banka in connection with SC/ST Banka P.S. Case No.6 of 2014 registered under Sections 147, 341, 323, 448, 504 & 506 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The accusation against the appellants is that they along with other co-accused are said to have come to the house of the informant and demanded toddy and being refused to supply, they abused and assaulted the informant and also threatened to kill him.



It is submitted by learned counsel for appellant no.1 that the appellant no.1 has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant no.1 is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation of slating the informant levelled against appellant no.1 is not specific rather general and omnibus in nature. The specific allegation is against appellant no.2. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant no.1, 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 the learned 1st Addl. Sessions Judge, Banka in connection with SC/ST Banka P.S. Case No.6 of 2014, 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 only in respect of appellant no.1 only.

(Anjani Kumar Sharan, J)

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