

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5312 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- HASANPUR District- Samastipur

BARA BABU YADAV @ BARA BABU Son of Bam Bahadur Yadav
Resident of Village-Jahangirpur, Police Station- Singhia, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Baitha S/o -Laddulal Baitha R/o Vill- Malipur,Tola-Dath, Police Station- Hasanpur, Dist.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhimanyu Sharma
For the Respondent/s : Mrs. Usha Kumari-1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-03-2022 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

Vide order dated 06.12.2021 notice was issued to
respondent no.2 but, in spite of valid service of notice, none is
present on his behalf.

Learned counsel for the appellant undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

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 05.11.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Hasanpur P.S. Case No. 173/18 registered under Sections 143, 341, 323, 379, 325 & 504 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The accusation against the appellant is that he in association of other co-accused forcibly got him boarded on motorcycle by calling him by caste name. They assaulted him and threatened to withdraw the case filed by him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case with some ulterior motive and previous enmity. There is no eye witness of the occurrence. The appellant is a poor labourer who has no concerned with the alleged occurrence. There is abnormal delay of four days in lodging the F.I.R. without explaining any plausible reason of the said delay. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellant, 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 cum Special Judge (SC/ST Act), Samastipur in connection with Hasanpur P.S. Case No.173/18 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.

(Anjani Kumar Sharan, J)

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