

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5837 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- BARBIGHA District- Sheikhpura

Sardari Yadav, Son of Late Ramswaroop Yadav, Resident of Village Barbigha,
P.S.- Barbigha, District - Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalan Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual court proceedings.

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 02.09.2019, passed by learned Additional District and Sessions Judge, 1st cum Special Judge, SC/ST Shekpura in connection with Barbigha P.S. Case No.157 of 2019, registered under Sections 341, 323, 504, 379 of the Indian Penal Code and 3(1)(r) of the SC/ST Act.

The appellant is said to have abused the informant by naming her caste.

Learned counsel for the appellant submits that the appellant has no manner of concern with the alleged offence and



he has falsely been implicated in the present case. It is further submitted that there is no specific allegation against the appellant that he has abused the informant by naming her caste. The allegation is general and omnibus. It is also submitted that other similarly situated co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide Criminal Appeal (SJ) No.3700 of 2019, dated 24.09.2019.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Considering the fact that there is no specific allegation of abusing the informant by naming her caste against the appellant, no *prima facie* case is made out under the provisions of SC/ST Act against the appellant and no notice is required to be issued to the informant of the case.

Taking into consideration the facts aforesaid, 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 enlarged 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 Additional District and Sessions Judge, 1st cum Special Judge, SC/ST Shekpura in connection with Barbigha P.S. Case No.157 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.



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

(Anjani Kumar Sharan, J.)

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