

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5860 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- DHAMDAHA District- Purnia

1. CHUNNA YADAV @ ANUJ KUMAR BHARTI Son of Ramanand Yadav @ Sanjeev Kumar Yadav Resident of Village - Shishawa, P.S.- Bhawanipur, District- Purnea
2. Munna Yadav @ Munna Kumar Yadav Son of Ramanand Yadav @ Sanjeev Kumar Yadav Resident of Village - Shishawa, P.S.- Bhawanipur, District- Purnea
3. Jay Chandra Yadav Son of Late Thanuklal Yadav Resident of Village - Shishawa, P.S.- Bhawanipur, District- Purnea
4. Ramanand Yadav @ Sanjeev Kumar Yadav @ Sanjeev Kumar Bharti Son of Tanuklal Yadav Resident of Village - Shishawa, P.S.- Bhawanipur, District- Purnea
5. Sarun Yadav Son of Jay Chandra Yadav Resident of Village - Shishawa, P.S.- Bhawanipur, District- Purnea

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

At the very out set, 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Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2.



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 26.11.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Dhamdaha P.S. Case No. 56 of 2019 registered under Sections 147, 148, 149, 447, 341, 323, 436 & 504 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants are said to have come at the door of the informant with lathi-danda and having deadly weapons and started abusing the informant and on protest they assaulted the daughter-in-law of the informant. Appellant Munna Yadav set fire in the house of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute and dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST



Act is made out against the appellants. Appellants have no criminal antecedent.

As prima facie no case is made out against the appellants under SC/ST Act, there is no need to issue notice to the informant.

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

In the facts and circumstances of the case, the above named appellants, except appellant no.2, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Dhamdaha P.S. Case No.56 of 2019, 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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