

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.316 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- DULHIN BAZAR District- Patna

1. NEERAJ YADAV @ NEERAJ KUMAR S/O LATE PUKAR YADAV
Resident of village- Auha, P.S.- Dulhin Bazar, District- Patna.
2. PRASANT YADAV @ PRASANT KUMAR S/O RATAN YADAV Resident
of village- Auha, P.S.- Dulhin Bazar, District- Patna.
3. PRAKASH YADAV @ PRAKASH KUMAR S/O RATAN YADAV
Resident of village- Auha, P.S.- Dulhin Bazar, District- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar Sinha, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP.
		Mr. Shashikant Yadav, Adv.
		Mr. Dinesh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-07-2023 **Re:-I.A. No.1 of 2023**

This interlocutory application has been filed for condoning the delay of 48 days in filing of this appeal, as mentioned in para 3 of the limitation petition.

Considering, the grounds taken in the interlocutory application, the delay in filing of this appeal is hereby condoned.

Accordingly, I.A. No.1/2023 is hereby allowed and disposed of.

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Heard the parties.



Though Vakalatnama has been filed by learned counsel for respondent no.2, but none appears on his behalf.

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 16.08.2022 passed by learned Exclusive Special Court, SC/ST Patna in connection with Dulhin Bazar P.S. Case No. 113 of 2022 registered under Sections 341, 147, 148, 149, 426, 427, 504, 506 of the Indian Penal Code and Section 3(1)(g)(r)(s)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, all the accused persons including these appellants demolished the under construction wall of the informant's house. On objection, they abused the informant side by taking his caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. All the appellants



are students except appellant no.1. There is compromise between the parties, which is also mentioned in compromise petition. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, as there is compromise between the parties, the above named appellants, 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 learned Exclusive Special Court, SC/ST Patna in connection with Dulhin Bazar P.S. Case No. 113 of 2022, 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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