

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.304 of 2023

Arising Out of PS. Case No.-108 Year-2020 Thana- RAMNAGAR District- West Champaran

MISHRI YADAV S/O LATE RAMRAJ YADAV @ RAJ YADAV @ RAJA
YADAV Resident of Village- Bada Belwa, P.S.- Ramnagar, District- West
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. JITENDRA RAM S/O SURESH RAM Resident of Village- Bada Belwa,
P.S.- Ramnagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 21-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though, in compliance of the order dated 19.04.2023, the informant was informed about his appearance in this case but nobody has entered appearance on his behalf.

This is an appeal under section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 14.10.2022, passed by learned 1st Additional District and Sessions Judge cum-Special Judge, SC/ST, Bettiah, West Champaran, in connection with Ramnagar P.S. Case No.108 of



2020, registered under sections 341, 323, 504, 379, 427/34 of the IPC and sections 3(i)(r) of the SC/ST Act.

As per the F.I.R., the accused persons including the appellant assaulted the informant and his brother with fists and slaps and also abused by taking caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to have abused or assaulted the informant's side. It is not disclosed in the F.I.R. that from which SC/ST category, the appellant belongs. There is general and omnibus allegation against the appellant and the injury of the informant has been found to be simple in nature. Appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, since the injury was found simple in nature and there is no specific overt act against the appellant, let the appellant named above, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge cum-Special Judge, SC/ST, Bettiah, West Champaran, in connection with Ramnagar P.S. Case No.108 of 2020, 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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