

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.523 of 2023

Arising Out of PS. Case No.-267 Year-2021 Thana- KHUSRUPUR District- Patna

SHARWAN YADAV S/O LATE RAMANAND YADAV Resident of Village-
Pachrukhiya, P.S.- Khusrupur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Jiban Pd. Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-07-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.07.2022, passed in a case registered for the offence punishable under sections 341, 323, 379, 427, 504, 506/34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. On the alleged date and time of occurrence, while the informant and others were doing Bhajan Kirtan in the temple, meanwhile all the accused persons including this appellant came there and stopped them and abused the informant by his caste name and also took Rs. 12,000/- from the donation box of the temple.



4. It is submitted that for a petty dispute maarpeet took place between the parties. Case and counter case. Allegation of assault is general and omnibus against the appellant and no specific overt act has been alleged against him. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Patna, in connection with Khusrupur Police Station Case No. 267 of 2021.

(Prabhat Kumar Singh, J)

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