

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.647 of 2023

Arising Out of PS. Case No.-516 Year-2022 Thana- NARPATGANJ District- Araria

1. DEEPAK YADAV @ DEEPAK KUMAR @ DEEPAK KUMAR YADAV
Son of Sri Tejnarayan Yadav R/o Ward no. 12, Mirdaul, P.S- Narpatganj,
Dist- Araria, Pin Code- 854335, Bihar
2. Mithilesh Kumar @ Mithu Yadav Son of Sri Tejnarayan Yadav R/o Ward no.
12, Mirdaul, P.S- Narpatganj, Dist- Araria, Pin Code- 854335, Bihar
3. Shiv Narayan Yadav son of Sri Jhavar Lal Yadav R/o Ward no. 12, Mirdaul,
P.S- Narpatganj, Dist- Araria, Pin Code- 854335, Bihar
4. Arvind Yadav son of Sri Shiv Narayan Yadav R/o Ward no. 12, Mirdaul, P.S-
Narpatganj, Dist- Araria, Pin Code- 854335, Bihar
5. Kaislash Yadav Son of Sri Sukhdev Yadav R/o Ward no. 12, Mirdaul, P.S-
Narpatganj, Dist- Araria, Pin Code- 854335, Bihar
6. Ravindra Yadav son of Sri Shiv Narayan Yadav R/o Ward no. 12, Mirdaul,
P.S- Narpatganj, Dist- Araria, Pin Code- 854335, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Madhumay Madhup, Adv. Mr. Nishikant, Adv. Mr. Anand Kumar Tiwary, Adv. Mr. Ranjit Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Gopal Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-07-2023 Heard the parties.

Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant nos. 3 & 5 submitting that during pendency of this appeal appellants nos. 3 & 5 have already been surrendered before the learned Court below and learned Court below enlarged both the appellants on



bail.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant nos. 3 & 5.

Now, this appeal survives for appellant nos. 1, 2, 4 & 6.

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 19.11.2022 passed by learned Special Judge (SC/ST Act), Araria in connection with Narpatganj P.S. Case No. 516 of 2022 registered under Sections 147, 148, 149, 341, 323, 325, 307, 435 of the Indian Penal Code and Section 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, all the accused persons including these appellants came to the informant and assaulted him and his family members brutally with deadly weapons.

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. There is admitted land dispute between the parties, this fact is also not denied by learned counsel for the respondent no.2. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. He further relies upon the judgment of the Apex Court in case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the facts and circumstances of the case, as there is no allegation of slating the informant in the specific name of his caste, 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 the learned Special Judge (SC/ST Act), Araria in connection with Narpatganj P.S. Case No. 516 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 partly allowed.

(Anjani Kumar Sharan, J)

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