

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.615 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Nawada

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1. VIJAY YADAV Son of Bhola Yadav Residen of Village- Nawadih Tola Raja Bigha, P.S.- Rupo, District- Nawada.
 2. LAKHAN YADAV @ SAKENDRA YADAV Son of Bhola Yadav Residen of Village- Nawadih Tola Raja Bigha, P.S.- Rupo, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Barhan Manjhi Son of Puna Manjhi Resident of Village- Nawadih Tola, P.S.- Rupo, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

A supplementary affidavit has been filed. In para 3 of the supplementary affidavit, it is mentioned that notice was received by mother of respondent no.2. He stated that both are residing in the same premise. In view of this fact, the notice is validly served upon the respondent 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



20.12.2021 passed by learned 1st Additional Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, Nawada in connection with SC/ST P.S. Case No. 14 of 2021 registered under Sections 341, 323, 324, 504, 506, 34 IPC of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants are said to have assaulted the informant brutally by means of *Khanti*.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The occurrence took place on 23.06.2021 but the FIR was lodged on 02.07.2021 without assigning any plausible and convincing reason for the said delay. This creates serious doubt about prosecution case. Informant has sustained simple injury. 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, since there is delay in lodging the FIR, 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 Addl. Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, in connection with SC/ST P.S. Case No. 14 of 2021, 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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