

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.896 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- NARHATT District- Nawada

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1. BHONU YADAV S/o Late Gajo Yadav R/o Village- Patal Bigha, P.S.- Narhat, Distt- Nawada.
 2. Rampravesh Yadav @ Pravesh Yadav @ Rampravesh S/o Late Gauri Yadav R/o Village- Patal Bigha, P.S.- Narhat, Distt- Nawada.
 3. Chandan Kumar @ Chandan Yadav S/o Karu Yadav R/o Village- Patal Bigha, P.S.- Narhat, Distt- Nawada.
 4. Pawan Kumar @ Pawan Yadav S/o Dinanath Yadav R/o Village- Patal Bigha, P.S.- Narhat, Distt- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shanti Devi W/o Ravindra Paswan R/o Village- Patal Bigha, Post- Punthar, P.S.- Narhat, Distt- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Verma, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Ram Parvesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-05-2023

I.A. No. 01 of 2023

This application has been filed under Section 5 of the Limitation Act for condonation of delay of 17 days in filing the present appeal.

2. It is submitted by the appellant that there is no deliberate latches on the part of either appellant of his counsel. It is further submitted that due to paucity of money and lack of knowledge of procedure, the same has occurred.

3. On the facts and the circumstances, the delay in filing



the present appeal is hereby condoned.

4. Accordingly, I.A. No. 01 of 2023 is disposed of.

5. At the outset, learned counsel for the appellants submitted that appellant no.4 arrested during the pendency of present appeal.

6. Considering the submissions, the appeal against appellant no.4, namely, Pawan Kumar @ Pawan Yadav, is dismissed being infructuous.

7. Accordingly, the present appeal is limited with appellant nos.1, 2 and 3.

8. Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.

9. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 18.10.2022 in A.B.P. No. 3030 of 2022 passed by the learned Exclusive Special Court, SC/ST(POA) Act, Nawada in connection with Narhat P. S. Case No. 290 of 2022 registered under Sections 147, 149, 341, 323, 308, 504



and 506 of the Indian Penal Code read with under Section 3(i)(r) (s) of SC/ST (POA) Act.

10. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

11. Since the respondent no.2 has already appeared through Vakalatnama, no notice is required to be issued.

12. The allegation against the appellants is to assault informant and others, along with other co-accused persons, causing bodily injuries which may likely to cause their death, where occurrence arises out of neighbourhood dispute and differences.

13. Learned counsel for the appellants submitted that allegation as regard to assault is appearing very much general and omnibus against the appellants and moreover, there is no injury report is available which may suggest that the act of appellants are of such nature which may likely to cause death of injured. It is submitted that nothing surfaced from the face of FIR which may suggest that atrocities was committed on behalf of the appellants. It is further submitted that occurrence is arises out of trivial issues which appears to developed out of neighbourhood dispute and differences.

14. Learned counsel for the appellant submitted that if



insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

15. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant, while opposing prayer for bail submitted that appellant no. 2 and 3 are of criminal antecedents but fairly conceded that allegation as regard to appellants is appearing very much general and omnibus.

16. Having heard learned counsel for the parties and by taking note of allegation as regard to assault is appearing very much general and omnibus against appellant no.1, namely, Bhonu Yadav, appellant no.2, namely, Rampravesh Yadav @ Pravesh Yadav @ Rampravesh and appellant no.3, namely, Chandan Kumar @ Chandan Yada, I am inclined to grant bail to the above-mentioned appellants.

17. Accordingly, this appeal is allowed and the order dated 18.10.2022 passed in A.B.P. No. 3030 of 2022 by learned Exclusive Special Court, SC/ST (POA) Act, Nawada, is set aside.

18. Let the appellants, above named, in the event of their



arrest or surrender before the learned Court below within six weeks from today, be released on bail in connection with Narhat P. S. Case No. 290 of 20222 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST(POA) Act, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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