

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1163 of 2023**

Arising Out of PS. Case No.-444 Year-2022 Thana- CHAKAND District- Gaya

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Dinesh Yadav S/O Ram Pravesh Yadav R/v- Barki Takiya, P.S.- Chakand,
District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lalita Devi W/O Sanjay Das R/v- Barki Takiya, P.S.- Chakand, District-
Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Shivnandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the appellant 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.

2. The appellant has 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 18.01.2023 in A.B.P. No. 13 of 2023
passed by the learned Exclusive Special Judge, SC/ST, Gaya in
connection with Chakand P. S. Case No. 444 of 2022 registered
under Sections 341, 323, 504 and 506 of the Indian Penal Code
read with under Section 3(a)(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 *suo motu*, no notice is required to be issued.

12. The allegation against the appellant is to assault informant and others for trivial issue after tress passing into the house of the informant.

13. Learned counsel for the appellant submitted that allegation as regard to assault is appearing very much general and omnibus against the appellant and apparently no injury report is available in this case. It is submitted that allegation is general and omnibus in nature which arises out of neighbourhood dispute and differences and, moreover, nothing appears from the face of FIR which may suggest that no any atrocities was committed by the appellant. While concluding the argument, it is submitted that appellant is a man of clean antecedent.

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 during the course of occurrence ladies members of family was also assaulted.

16. Having heard learned counsel for the parties and by taking note of nature of allegation as regard to assault is appearing very much general and omnibus against appellant. I am inclined to grant bail to the above-mentioned appellant.

17. Accordingly, this appeal is allowed and the order dated 18.01.2023 passed in A.B.P. No. 13 of 2023 by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, is set aside.

18. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within six weeks from today, be released on bail in connection with Chakand P. S. Case No. 444 of 2022 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 Judge, SC/ST(POA) Act, Gaya, 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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