

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.809 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- TANKUPPA District- Gaya

SHIVALAK YADAV @ SHIVBALAK YADAV S/o Late Chotu Yadav R/o
village- Bahera, P.S.- Tankuppa, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Munshi Manjhi Son of Late Sukar Manjhi R/o vill- Bahura, P.S.- Tankuppa,
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 02-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
25.01.2023 but nobody appeared on behalf of the respondent
no.2.

3. 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 01.02.2022 passed by learned Exclusive
Special Judge, SC/ST, Gaya in connection with Tankuppa P.S.
Case No.01/2022, registered under Sections 323, 406, 419, 420



and 504/34 of the Indian Penal Code and Section 3(g)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, there is allegation against the appellant that he got the execution of land from the son of the informant who is physically and mentally weak.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. Appellant had neither abused nor assaulted to the informant because appellant is not in a position to assault anyone because his aged is about 70 years old. 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 appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail.

7. In the facts and circumstances of the case and the fact there is civil dispute between the parties, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Tankuppa P.S. Case No.01/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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