

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.864 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- SC/ST District- Araria

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DILIP YADAV Son of Udanand Yadav Resident of Village - Kushmoul, Ward
No. 10, P.S. - Bhargama, Dist.- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tribhuwan Kumar Son of Ramesh Sharma Resident of Village - Kushmoul,
Ward No. 10, P.S. - Bhargama, Dist.- Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the appellants, the State
and respondent no.2.

2. The present appeal is directed against the order
dated 18.02.2022, passed in a case registered for the offence
punishable under Sections 147, 353, 341 of the Indian Penal
Code read with Sections 3 (i) (r) (s) of the SC/ST Act, whereby
anticipatory bail of the appellants has been rejected.

3. As per the F.I.R, this appellant is only alleged to
have abused the informant by caste name.

4. It is submitted that there is no allegation of assault
is alleged against this appellant. Insult caused to the respondent
no.2 is not based on the caste, as such, no case under SC/ST Act



is made out. Appellant claims clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 18.02.2022 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Addl. Session Judge cum Special Judge, Araria in connection with Araria P.S Case No. 51 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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