

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1977 of 2021**

Arising Out of PS. Case No.-82 Year-2020 Thana- SALAKHUA District- Saharsa

PRADIP YADAV @ PRADIP KUMAR S/O UPENDRA YADAV R/o village-
Goriyari, P.S.- Salkhua, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajendra Sharma Dilo Sharma Village-Goriyari,P.S-Salkhua,District-Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amarnath Jha
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

6 08-08-2023 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

In view of the pleadings made in the limitation
application, the delay in filing the appeal is condoned.

This is an appeal under Section 14-A(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 22.09.2020 in A.B.P. No. 482 of 2020 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Saharsa in connection with Salkhua P.S.
Case No. 82 of 2020 registered for the offences punishable
under Sections 341, 323, 324, 307, 379, 427, 354, 504, 506, 34



of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(Va) of the SC/ST Act.

Learned counsel for the appellant submits that in compliance of the order dated 03.11.2021, notices were filed on time, but the same was received by son of the informant, it is next submitted that thereafter, an application of jointness has been filed stating that the informant is staying with her son. Learned counsel next submits that the appellant is not named in the FIR and his name transpired during the course of investigation like Ramesh Kumar Yadav and the said Ramesh Kumar Yadav has been granted the privilege of anticipatory bail by a learned co-ordinate bench vide order dated 08.02.2021 in Cr. Appeal SJ No. 1743 of 2022 (Annexure 2 to the present appeal), it is next submitted that petitioner is also a person with clean antecedent and based on suspicion, he came to be implicated during the course of investigation.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 22.09.2020 in A.B.P. No. 482 of 2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saharsa in



connection with Salkhua P.S. Case No. 82 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Salkhua P.S. Case No. 82 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

HarshPandey/-

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