

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1162 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- JANKINAGAR District- Purnia

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1. Alok Yadav @ Alok Kumar Yadav S/O Parmanand Yadav Resident Of Village- Kari Mandal Tola, Janki Nagar, P.S.- Janki Nagar, District- Purnea.
 2. Satya Nand Yadav S/O Rajo Yadav Resident Of Village- Kari Mandal Tola, Janki Nagar, P.S.- Janki Nagar, District- Purnea.
 3. Shakti Yadav S/O Jayanti Yadav Resident Of Village- Kari Mandal Tola, Janki Nagar, P.S.- Janki Nagar, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. PARMANAND SHARMA S/O JAYNARAYAN SHARMA Resident of Village- Janki Nagar, P.S.- Janki Nagar, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 03.05.2023 but nobody appeared on behalf of the respondent no.2.

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 16.12.2022 passed by learned Special Judge SC/ST Act, Purnea in connection with Janki Nagar P.S. Case No. 79/2019, registered under Sections 143, 447, 341, 323, 324, 504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants to assault the informant and injury was found simple in nature. The occurrence took place on 28.05.2019 and F.I.R. was lodged on 02.06.2019 after 5 days of the alleged occurrence and there is no explanation of it which creates serious doubt about prosecution case. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that Chargesheet has been submitted and cognizance was taken against the appellants and he relies upon the judgment of Hon'ble Apex Court passed in the case of '*Bachu Das Vs. State of Bihar and others since reported in (2014) 3 SCC 471*'. Hence, they do not deserve anticipatory



bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail in connection with Janki Nagar P.S. Case No. 79/2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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