

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1050 of 2022

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

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AASHIS KUMAR @ LALLU YADAV @ AASHISH KUMAR S/O LATE
SUKHADAYAL RAI @ SHIV DAYAL RAI R/o village- Raghurampur Tola,
Chanmari, P.S.- Shahpur, District- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Bajrangi Manjhi son of Raga Manjhi resident of village- Sikandarpur
Mushari, P.S.- Sahpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Prashant Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Mirityunjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard the parties.

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 24.02.2022 passed by learned Special Judge SC/ST Act, Patna in connection with Shahpur P.S. Case No. 309 of 2019 registered under Sections 147, 148, 149, 341, 323, 307, 504, 506, 379, 427, 436 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellant along with other accused persons of



Yadav community, armed with deadly weapons assaulted the informant and other persons. They also put fire on their houses.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that the appellant was made accused in the present case because he belongs to Yadav community. There is no allegation of slating the informant and other persons by taking their caste name. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. No burnt house or article has been recovered by the police. He further submits that both the parties compromised the matter. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, as there is compromise between the parties, 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 released 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 the learned Special Judge (SC/ST Act), Patna in connection with Shahpur P.S. Case No. 309 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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