

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1520 of 2023

Arising Out of PS. Case No.-640 Year-2022 Thana- BIDUPUR District- Vaishali

PREM KUMAR YADAV @ PREM KUMAR S/o- VIDYANAND RAY @
VIDYANAND SINGH Village- Chak Jainav Ps- Bidupur Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Amarjeet Paswan son of Phudeni Paswan Village PO- Kalyanpur Ps- Bidupur Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arjun Prasad, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

As the FIR was lodged by the informant i.e. Chowkidar, therefore, no notice was required to serve upon as such the informant i.e Chowkidar is represented by the learned Special PP of the State.

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 14.03.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Bidupur P.S. Case No. 640 of 2022, registered under Sections 341, 447, 323, 353, 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, appellant is said to have abused the informant by taking his caste name and assaulted him brutally due to which he sustained injury.

It is submitted by learned counsel for the appellant that no 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. He has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. No person got injured. There is admitted political dispute between the parties. He further submits that the occurrence took place on 30.11.2022 at around 11:30 P.M. but he lodged the FIR on 02.12.2022. There is inordinate delay in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature moreover it is in the night at around 11:30 PM and cannot be said to be in public view.



Hence, no offence under SC/ST Act is made out against the appellant. Appellant has two criminal antecedents as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submitted that from the perusal of the FIR, it is evident that appellant was also involved in the present case.

In the facts and circumstances of the case, as there is delay in lodging the FIR and no person got injured, 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, Vaishali at Hajipur in connection with Bidupur P.S Case No. 640 of 2022, 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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