

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1888 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- COMPLAINT CASE District- Araria

1. Amit Kumar@Amit Yadav Son Of Chandeshwari Yadav Resident Of Village- Raghunathpur, Ps- Bhargama, Distt- Araria , Bihar
2. Chandeshwari Yadav Son Of Late Kunja Bihari Yadav Resident Of Village- Raghunathpur, Ps- Bhargama, Distt- Araria , Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 03.05.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 02.03.2023 passed by learned First Additional Session Judge-cum-Special Judge, Araria, in connection with Complaint Case No. 21 of 2021 registered under Sections 147,



323, 379, 354-B, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they have abused and assaulted the informant.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is admitted land dispute between the parties. Learned counsel for the appellants further relied upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the judgment of the Hon'ble Apex Court passed in case of *Hitesh Verma* (supra), let the above named appellants, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned First Additional Session Judge-cum-Special Judge, Araria, in connection with Complaint Case No. 21 of 2021 , 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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