

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1570 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- SAHPUR District- Patna

Jitendra Kumar @ Jitendra Yadav Son Of Shri Bachchu Prasad Yadav @
Bachchu Yadav Resident Of Village - Usari, P.S.- Shahpur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meera Devi w/o Vinod Das Resident of Village - Usari, P.s.- Shahpur, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamlesh Kumar, Advocate Ms. Kahkashan Alam, Advocate
For the Respondent/s	:	Mr. Binay Krishna
For the Informant/s	:	Mr. Md. Murad Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned counsel for the appellant, learned counsel for the respondent no.2/informant and learned Special Public Prosecutor for 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 22.04.2022 passed by learned Additional District and Sessions Judge III-cum-Special Judge SC/ST, Patna, in connection with A.B.P. No. 2153 of 2022 arising out of Shahpur P.S. Case No. 112 of 2022 registered under Sections 341, 323, 307, 354(B) and 34 of the Indian Penal Code and



Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleges that while she along with her daughter were going towards marked the appellant and other accused persons came and started assaulting the informant and her daughter with an iron rod with an intention to kill them and also abused them by taking their caste name.

Learned counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste therefore, no offence under Section SC/ST Act is made out against the appellant. He submits that on the alleged date and time of occurrence the appellant was not present in village and he was under treatment of doctor at Ranchi, medical prescription is enclosed as Annexure-2 to the memo of the appeal. Appellant has got three criminal antecedents as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no. 2 oppose payer for bail and submit that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case



and statement made in para-10 of the memo of the appeal that the appellant is not present on the alleged date and time of occurrence, let 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 enlarged 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 learned Additional District and Sessions Judge III-cum-Special Judge SC/ST, Patna, in connection with A.B.P. No. 2153 of 2022 arising out of Shahpur P.S. Case No. 112 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)

anand/-

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