

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2112 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- SINDHIYA District- Samastipur

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1. SURESH YADAV S/o Triveni Yadav Resident of village-Singhia, PS-Singhiya, Samastipur-848101
 2. PRADEEP KUMAR YADAV @ PRADEEP YADAV @ PRADIP YADAV S/o Suresh Yadav Resident of village-Singhia, PS-Singhiya, Samastipur-848101

... .. Appellant/s

Versus

1. The State of Bihar
2. AMIT KUMAR BAITHA S/o Munna Baitha R/o Singhia, PS-Singhiya, Samastipur, Bihar-848101

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Piyush Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Vinay Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

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 for anticipatory bail vide order dated 23.03.2023, passed by learned Special Judge, SC/ST Act, Samastipur, in connection with Singhiya P.S. Case No.142 of 2022, registered u/s 341, 323, 504, 506, 379/34 of the IPC and sections 3(1)(r)(s)/ 3(2)(va) of the SC/ST Act.



3. The prosecution case, in short, is that the appellants used to force the informant to do their work for free and on the alleged date of occurrence, when the informant was returning to his house, appellants came and surrounded him and started abusing and assaulting. Appellant no.1 assaulted him with iron rod.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is a case and counter-case between the parties. The real fact is that the informant used to send lewd messages to the wife of the appellant no.2, when the appellant confronted him as to why he is sending such messages to his wife, the informant along with other accomplices had brutally assaulted him and for the same offence, Singhiya P.S. Case No.130/2022 was lodged on 16.06.2022, which is clear from annexure-2 and 2/A. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants to have abused the informant. Appellant no.1 has two criminal antecedents and appellant no.2 has three criminal antecedent.



5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the informant was treated in Darbhanga Medical College and Hospital for more than five days.

6. Considering the facts and circumstances of the case, since there is case and counter-case between the parties, let the appellants named above, in the event of their 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur, in connection with Singhiya P.S. Case No.142 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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