

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2168 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- MALSALAMI District- Patna

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AJEET KUMAR YADAV @ SOM NATH YADAV s/o Triloki Nath Yadav
Resident of Mohalla Wantola Malsalami Police Station Malsalami District
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Gupta s/o Vijay Kumar Gupta Resident of Mohalla Wantola
Malsalami Police Station Malsalami District Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raj Kumar Choudhary, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, learned Spl.P.P.
for the State informed the respondent no.2 about his appearance
in the appeal but nobody appears on his behalf.

3. This is an appeal under section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
16.11.2021, passed by learned A.D.J.-III-cum-Special Judge
SC/ST, Patna, in connection with Malsalami P.S. Case No.269
of 2021, registered under sections 341, 323, 307, 354, 380, 447,



448, 504, 506/34 of the IPC and 3(1)(r)(s) of the SC/ST Act.

4. As per the prosecution case, the appellant along with his two sons and other persons entered into the house of the informant and abused the informant's side and attacked his father, mother and sister. They also committed loot in informant's house and took out valuables.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has taken place inside the house of the informant and not in the public view. It is further submitted that the injury was found simple in nature, for which the injury report is enclosed in the case diary. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail by submitting that the appellant has assaulted the informant, which is clear from the injury report..

7. Considering the facts and circumstances of the case, since the injury was found simple in nature, the appellant named above, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, is directed to 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 A.D.J.-III-cum-Special Judge SC/ST, Patna, in connection with Malsalami P.S. Case No.269 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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