

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2229 of 2023

Arising Out of PS. Case No.-288 Year-2023 Thana- MADHEPURA District- Madhepura

KUMAR PRASHANT Son of Late Dinesh Kumar Yadav @ Baital Yadav
Resident of Azad Nagar, Ward No.- 09, P.S. and District - Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Kumar Son of Kesho Chowdhary Resident of Village and Post - Kadirganj, P.S.- Kadirganj, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv Mr. Vijay Anand, Adv. Mr. Roop Kishan, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-08-2023 Heard learned Senior counsel for the appellant and
learned Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 05.07.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 13.04.2023 passed by learned A.D.J.Ist-cum-
Special Judge SC/ST Act, Madhepura, in connection with
Madhepura P.S. Case No. 288 of 2023 registered under Sections



448, 341, 323, 353, 332, 333, 307, 427, 504, 506, 379/34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Appellant and other co-accused persons came at the informant's office and abused and assaulted him and also tied to kill him by pressing his neck.

5. Learned Senior counsel for the appellant submits that the appellant has not 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. There is no specific overt act against the appellant. He submits that the injury was found simple in nature. Appellant has got two criminal antecedents as mentioned in para-3 of memo of the appeal.

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

7. Considering the facts and circumstances of the case, 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 A.D.J.Ist-cum-Special Judge SC/ST Act, Madhepura, in connection with Madhepura P.S. Case No. 288 of 2023, 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)

anand/-

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