

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2287 of 2023

Arising Out of PS. Case No.-392 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. SUMIT YADAV @ SUMIT KUMAR Son of Satyanarayan Roy Village-
Jitwarpur Nizamat (Korbadha), ward no-13, Ps- Muffasil Dist- Samastipur
 2. Sanjay Yadav @ Sanjay Kumar Son of Subeshwar Roy R/o vill - Collgege
Road, Hasanpur Jitwarpur, ward no. 3, P.S. - Muffasil, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Satyajit Kumar son of Manoj Kumar R/o- Vishanpur Ps- Samastipur
Muffasil Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.pp

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 15-12-2023 Heard learned counsel for the appellants and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the rejection of prayer for anticipatory
bail vide order dated 24.01.2023 passed by the learned Special
Judge, SC/ST (POA) Act, Samastipur in A.B.P. No. 3189 of
2022 arising out of Samastipur (Muffasil) P.S. Case No. 392 of
2021 dated 23.09.2021 registered for the offence/s punishable



u/ss 147, 148, 149, 341, 323, 324, 307, 385, 379, 504, 506 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have demanded Rs. 10,000/- as extortion money and when one Deepu opposed, the appellant Sanjay Yadav abused him by calling his caste name and on the exhortation of Sanjay Yadav, all the accused persons assaulted him. When the informant went to rescue, the co-accused Ajeet Yadav fired on him due to that he sustained injury on his shoulder. The co-accused Ajeet kumar and Bandhu also assaulted Mithilesh Kumar with iron rod due to that he sustained injury on his head and the appellant Sumit yadav abused him by calling his caste name. The other co-accused namely, Prabhat Sunder and Mulayam Yadav snatched golden chain and Rs. 4,000/- from the informant.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the doctor has found all the injuries as simple in nature. Learned counsel has further submitted that the matter has already been compromised. Learned counsel has further



submitted that the caste name was not disclosed by anyone at the time alleged occurrence. The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 24.01.2023 passed by the learned Special Judge, SC/ST Act (POA), Samastipur in A.B.P. No. 3189 of 2022 arising out of Samastipur (Muffasil) P.S. Case No. 392 of 2021, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like



amount each to the satisfaction of the learned Special Judge,
SC/ST Act, Samastipur in A.B.P. No. 3189 of 2022 arising out
of Samastipur (Muffasil) P.S. Case No. 392 of 2021, subject to
conditions as laid down under section 438(2) of the Code of
Criminal Procedure.

(Chandra Prakash Singh, J)

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