

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2044 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- BASOPATTI District- Madhubani

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1. JITENDRA YADAV @ JITENDRA KUMAR YADAV Son of Ram Narayan Yadav Resident of village - Kataiya, P.S.- Basopatti, Dist.- Madhubani
 2. Gautam Jha @ Gautam Kumar Jha Son of Kripa Nand Jha Resident of village - Kataiya, P.S.- Basopatti, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bachhi Devi Chhedi Safi R/O Village-Mehtarpati, P.S.-Basopatti, District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhavesh Kumar Sah
For the Respondent/s	:	Mrs. Usha Kumari 1
		Ms. Vagisha Pragya Vacaknavi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 12-07-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Vide order dated 21.09.2022, this appeal with regard to appellant namely, Jitendra Yadav was withdrawn by the learned counsel for the appellants.

This appeal, is now being heard with regard to the appellant namely, Gautam Jha, only.

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 30.05.2022 passed by learned Special Judge SC/St cum Additional Sessions Judge- 1st, Madhubani in connection with Basopatti P.S. Case No.260 of 2021, registered under Sections 341, 323, 379, 354(B), 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he snatched silver ornament from the neck of the informant and also threatened to kill her husband.

It is submitted by learned counsel for the appellant that the appellants has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. It is submitted that the injuries are of simple nature. The specific allegation is against the co-accused Gulam Sarbar and Md. Rabbani. There is no allegation against the appellant to abuse the informant by taking caste name. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for bail by submitting that the appellants are also involved in the present case.

In the facts and circumstances of the case as there is no specific overt act against the appellant to abuse the informant by taking caste name, the above named appellant no.2, namely, Gautam Jha, 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 the learned Special Judge SC/St cum Additional Sessions Judge- 1st, Madhubani in connection with Basopatti P.S. Case No.260 of 2021, 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)

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