

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2128 of 2022

Arising Out of PS. Case No.-1 Year-2020 Thana- KHUTAUNA District- Madhubani

DEO NATH YADAV Son of Khushi Lal Yadav Resident of Village - Kusmar
Goth Tol, P.S.- Khutauna, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra paswan Son of Late Nande Paswan Resident of Village and P.O.
Damodarpur Waldha, P.S. Nagarnausa, District - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari No.1, Spl. PP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 24-05-2023 Heard learned counsel for the appellant and learned
Spl. P.P. for the State. No one appears on behalf of the
informant.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail** vide
order dated 30.05.2022 in A.B.P. No. 375 of 2022 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge,
Madhubani in connection with Khutauna P.S. Case No. 01 of
2020 registered for the offences punishable under Sections 341,



323, 342, 325, 353, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(9), 3(i)(r) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that one Ranjit was arrested in a drunken condition, further accused persons gathered to free him from the police custody and on orders of Rambabu Yadav, accused Shyam and Mahendra assaulted the informant with fist causing injury on nose.

Learned counsel for the appellant submits that from bare perusal of the allegations as alleged in the FIR it would manifest that no specific allegation of assault is alleged against the appellant, the allegations are general and omnibus in nature, it is next submitted that there is no allegation against the appellant that he abused the informant or anyone else by taking their caste name.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 30.05.2022 in A.B.P. No. 375 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with



Khutauna P.S. Case No. 01 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khutauna P.S. Case No. 01 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

