

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2690 of 2023**

Arising Out of PS. Case No.-206 Year-2023 Thana- DAUDNAGAR District- Aurangabad

1. Shanti Devi Wife Of Jitendra Yadav Resident Of Village- Kanap, Ps- Haspura, District- Aurangabad,
2. Jitendra Yadav Son Of Ramjanam Yadav Resident Of Village- Kanap, Ps- Haspura, District- Aurangabad,
3. Jhumaru Kumar @ Sanjit Kumar Son Of Jitendra Yadav Resident Of Village- Kanap, Ps- Haspura, District- Aurangabad,

... .. Appellant/s

Versus

1. The State of Bihar
2. Radhika Devi Wife Of Rajes Das Resident Of Village- Kanap, Ps- Haspura, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 13-09-2023 Learned counsel for the appellants seeks permission to correct the address of the appellants in course of day.

2. Permission is accorded.

3. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

4. Heard learned counsel for the parties.

5. Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellant no.3, as he has already been arrested by the police, during pendency of this appeal.

6. Permission is granted.

7. Accordingly, the instant appeal is dismissed as withdrawn as against the appellant no.3 only.



8. Now, this appeal is being heard with regard to the appellant no.1 & 2 only.

9. Heard learned counsel for the rest of the appellants and learned Special P.P for the State.

10. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 09.08.2023 but nobody appeared on behalf of the respondent no.2.

11. 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 06.05.2023 passed by learned 1st Additional District & Sessions Judge-Cum-Special Judge(SC/ST), Aurangabad in connection with Daudnagar P.S. Case No. 206/2023, registered under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(1)(s)(r)/2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

12. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 06.04.2023 but the FIR lodged on 08.04.2023. There is delay of two days in filing



of the present FIR. There is no specific overt act against any of these appellants. It is a counterblast case of the Daudnagar P.S. Case No. 20/2023. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

13. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

14. In the facts and circumstances of the case, let the above named appellant nos.1 & 2, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-Cum-Special Judge (SC/ST) Act, Aurangabad in connection with Daudnagar P.S. Case No. 206/2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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