

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2872 of 2022

Arising Out of PS. Case No.-159 Year-2019 Thana- SC/ST District- Araria

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1. RAMCHANDRA YADAV S/O LATE INDAR YADAV Resident of village and P.O.- Sonamani Godown, District- Araria (Bihar), Pin- 854331
 2. DHARAMNATH BHAGAT S/O LATE NAND LAL BHAGAT Resident of village and P.O.- Sonamani Godown, District- Araria (Bihar), Pin- 854331
 3. GOLU BHAAGAT S/O DHARAMNATH BHAGAT Resident of village and P.O.- Sonamani Godown, District- Araria (Bihar), Pin- 854331
 4. RAJ KUMAR BHAGAT S/O DHARAMNATH BHAGAT Resident of village and P.O.- Sonamani Godown, District- Araria (Bihar), Pin- 854331

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMANAND PASWAN S/O LATER SINGHESHWER PASWAN Resident of village and P.O.- Sonamani Godown, District- Araria (Bihar), Pin -854331

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Anil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 Heard learned counsel for the appellants and learned Spl. P.P. for the State along with learned counsel for the informant.

Learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant nos. 1, 3 and 4.

Permission is accorded.

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 15.07.2022 in A.B.P. No. 1466 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ ST P.S. Case No. 159 of 2019 registered for the offences punishable under Sections 447, 341, 323, 379, 420 and 34 of the Indian Penal Code as well as Sections 3 /4 of the SC/ST Act.

Learned counsel for the appellant submits that the appellant no. 2 is a senior citizen aged about 63 years and is a person with clean antecedent and all of a sudden he has been made a criminal by alleging that he abused by taking caste name. It is next submitted that merely taking caste name does not attract offence under SC/ST act, it is next submitted that even from perusal of the allegation as alleged in the F.I.R., it would manifest that the entire occurrence took place at the house of the informant and thus was not in public view. It is also submitted that the dispute is purely civil which has been given a criminal colour.

Learned Spl. P.P. for the State along with learned counsel for the informant oppose the prayer for anticipatory bail of the appellant, but are not in a position to rebut the submission of the learned counsel for the appellant that the entire



occurrence was not in public view.

In view of the submissions made by the learned counsel for the appellant, the order dated 15.07.2022 in A.B.P. No. 1466 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 159 of 2019 is hereby set aside and the appellant no. 2 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 Araria SC/ST P.S. Case No. 159 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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