

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2825 of 2022**

Arising Out of PS. Case No.-106 Year-2022 Thana- VIJAYEPUR District- Gopalganj

1. VISHAL YADAV Son of Gaya Yadav Resident of Village - Sumarpur, P.s.- Vijaipur, Distt.- Gopalganj.
2. Rohit Gond Son of Dilip Gond Resident of Village - Sumarpur, P.s.- Vijaipur, Distt.- Gopalganj.
3. Harikesh Yadav Son of Rajendra Yadav Resident of Village - Sumarpur, P.s.- Vijaipur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Ram Son of Late Srikant Ram Resident of Village - Sumarpur, P.s.- Vijaipur, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra, APP
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-06-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 12.07.2022 in A.B.P. No. 1362 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Vijaipur P.S. Case No. 106 of 2022 registered for the offences punishable



under Sections 341, 323, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(w) of the SC/ST Act.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and despite valid service of notice none appears on behalf of the informant. The learned counsel for the appellants next submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that appellant No. 1 is alleged to have snatched the *Mangalsutra* of informant's mother as far as appellant No. 2 is concerned there is no specific allegation against him.

It is next submitted that he also belongs to the SC/ST community as such, SC/ST Act is not attracted and the allegation against the appellant No.3 is of assaulting the informant by *farsa* causing injury on head. It is next submitted that the appellants alongwith other accused persons also abused the informant by taking cast names. The learned counsel submits that the allegations are ornamental and merely taking cast names does not attract SC/ST Act, it is further submitted that even presuming what has been alleged is true without admitting the same then the entire occurrence did not take place in public view.



Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants and submits that there is a direct allegation against appellant No. 3 of assaulting the informant by *Farsa* and no pleading is made with respect to nature of injury.

In view of the submissions made by the learned counsel for the appellants, the order dated 12.07.2022 in A.B.P. No. 1362 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Vijaipur P.S. Case No. 106 of 2022 is hereby set aside and the appellants above-named, in the event of their 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) each 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 Vijaipur P.S. Case No. 106 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

However, the learned trial court before accepting the bail bonds of appellant No. 3 (Harikesh Yadav) will verify the



nature of injuries suffered by the informant and in the event, if it is found that the injury suffered by the informant was grievous then in that event, the present order in respect to Harikesh Yadav (appellant No. 3) shall not be given effect to.

(Satyavrat Verma, J)

Adnan/-

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