

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2941 of 2022**

Arising Out of PS. Case No.-506 Year-2022 Thana- BARACHATTI District- Gaya

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1. HARDEV YADAV Son of Churaman Yadav Resident of Village - Masuandah, P.S.- Barachatti, District - Patna.
 2. Churaman Yadav Son of Late Ranjit Yadav Resident of Village - Masuandah, P.S.- Barachatti, District - Patna.
 3. Devanti Devi Wife of Hardeo Yadav Resident of Village - Masuandah, P.S.- Barachatti, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Mandal Son of Ram Bilas Mandal Resident of Village - Masuandah, P.S.- Barachatti, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. S. Jamil Akhtar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 28-06-2023 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 20.07.2022 in A.B.P. No. 166 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Barachatti P.S. Case No. 506 of 2022 registered for the offences punishable



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

Learned counsel for the appellants submits that the appellants are persons with clean antecedent, it is next submitted that notices were issued upon the respondent no. 2 but despite valid service of notice, the respondent no. 2 chooses not to appear and contest the case before this Court as no one appears on behalf of the respondent. It is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that no offence under SC/ST Act is made out as merely taking the caste name does not attract the SC/ST Act, it is next submitted that allegation of assault is general and omnibus in nature.

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

In view of the submissions made by the learned counsel for the appellants, the order dated 20.07.2022 in A.B.P. No. 166 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Barachatti P.S. Case No. 506 of 2022 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 Barachatti P.S. Case No. 506 of 2022 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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