

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4184 of 2021

Arising Out of PS. Case No.-789 Year-2018 Thana- DANAPUR District- Patna

UDAY YADAV S/o LATE MAHENDRA RAI R/o VILLAGE-AASHOPUR,
P.S- DANAPUR, DISTRICT-PATNA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shyam Nandan Choudhary Son of Late shiv nandan Choudhary Resident of
village-Ashopur,P.S-Danapur,District-Patna

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-01-2023 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 01.02.2021 passed by the learned Additional
District Judge-III-cum-Special Judge, SC/ST, Patna in A.B.P.
No. 855 of 2021 arising out of Danapur P.S. Case No. 789 of
2018, registered for the offences punishable under Sections 147,
148, 149, 341, 323, 308, 504, 506, 379, 427 of the Indian Penal



Code & Section 3(1)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, when the informant was going at Chhath Ghat, along with his family members, the named accused persons assaulted him and his family members and abused him by calling his caste name.

The learned counsel for the appellant has submitted that in the same occurrence, two cases were registered and the first case is registered as Danapur P.S. Case No. 782 of 2018. The appellant has been granted anticipatory bail in that case. There is case and counter case. He has submitted further that the occurrence has taken place on 14.11.2018, whereas the case has been registered on 16.11.2018, after two days delay.

There is no any other case against the appellant except Danapur P.S. Case No. 782 of 2018.

It appears that it is a case of free fight between two groups. Another case for the same day occurrence has been lodged, which was not under the SC and ST (Prevention of Atrocities) Act. The intention of the appellant was not to humiliate or intimidate the informant's side for the reason that they are members of SC and ST (Prevention of Atrocities) Act.



In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 01.02.2021 passed by the learned Additional District Judge-III-cum-Special Judge, SC/ST Patna is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-III-cum-Special Judge, SC/ST Patna in connection with Danapur P.S. Case No. 789 of 2018.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

kundan/-Nirmal

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

