

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3522 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- SC/ST District- East Champaran

1. ABHAY YADAV @ ABHAY KUMAR SON OF BHIKHARI YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
2. NIKHIL YADAV SON OF BHIKHARI YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
3. NITESH KUMAR SON OF BHIKHARI YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
4. VINAY YADAV SON OF INDRADEV YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
5. VISHAL KUMAR SON OF ABHAY YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
6. JHUNNA DEVI WIFE OF NIKHIL YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
7. SANGITA DEVI WIFE OF VINAY YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
8. PREMSHILA DEVI WIFE OF ABHAY YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN
9. INDRADEV YADAV SON OF LATE SUJAL YADAV RESIDENTS OF VILLAGE- GAIGHAT UJJAIN LOHIYAR, PS- HARSIDHI, DISTT- EAST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoj Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellants and learned



Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 20.09.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. 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 10.07.2023 passed by learned Special Judge (SC/ST Act), East Champaran in connection with SC/ST P.S. Case No. 32 of 2023 registered under Sections 147, 379, 341, 323, 354, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) / (w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellants is that they assaulted the informant and his family members brutally. They also committed loot in her house. Appellant nos. 6 to 8 also addressed her as Daain.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to



ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The present case is counter blast of Harsidhi P.S. Case No. 122 of 2023. There is inordinate delay of about three months in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that two cases were filed by the informant for one occurrence. He has also filed Complaint Case No. 43 of 2023 against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as two cases were filed against the appellants for one occurrence and there is delay of about three months in filing the present case, the above named appellants, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran in connection with SC/ST P.S. Case No. 32 of 2023, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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