

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3553 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- BARACHATTI District- Gaya

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1. PRADIP YADAV SON OF RAMESHWAR YADAV RESIDENT OF KHUDUA, P.S. - MOHANPUR, DISTRICT - GAYA
 2. BALESHWAR YADAV SON OF SITA RAM YADAV RESIDENT OF KHUDUA, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. SUDHA DEVI WIFE OF SANKAR PASWAN RESIDENT OF KHUDUA, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Mohan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Ms.Kumari Sujata Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1981 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 03.05.2023, passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Barachatti P.S. Case No.13 of 2023, registered u/s 341, 323, 325, 504/34 of the IPC and sections 3(1)(r)(s)(w) of the SC/ST Act.

3. As per the prosecution case, in furtherance of an



altercation, the F.I.R. named accused persons including the appellants came armed variously and started beating the son of the informant and they were abusing him with caste name. They indiscriminately assaulted the informant's side.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants to abuse the informant by taking caste name. It is further submitted that there is an admitted land dispute between the parties, which is clear from the impugned order itself. In this regard, reliance has been placed upon the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in ***2020 (10) SCC 710***. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Considering the facts and circumstances of the case and keeping in view the order of the Apex Court passed in the case of ***Hitesh Verma (supra)***, let the appellants named above, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Gaya, in connection with Barachatti P.S. Case No.13 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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