

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4322 of 2021

Arising Out of PS. Case No.-236 Year-2021 Thana- NOORSARAI District- Nalanda

1. SATYENDRA YADAV @ DHALU YADAV S/o LAKHAN GOP @ LAKHAN YADAV R/o VILLAGE-ATBAL BIGHA, P.S.- THARTHARI, DISTRICT-NALANDA.
2. BALMIKI YADAV S/o LAKHAN GOP @ LAKHAN YADAV R/o VILLAGE-ATBAL BIGHA, P.S.- THARTHARI, DISTRICT-NALANDA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 21.06.2023, he has informed the informant but none is present on his 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 17.09.2021 passed by learned 1st Additional Sessions Judge, Nalanda in connection with Noorsarai P.S. Case No. 236 of 2021 registered under Sections 341, 323, 379, 308, 504 &



506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the F.I.R. named accused persons including these appellants armed with lathi-danda and pistol are said to have came near the informant and assaulted him causing rapture injury on his head.

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 dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. It is further submitted that there was free fight between both the parties and both sides have filed cases against each other. It is further submitted that from perusal of the F.I.R., it is clear that there is no injury report on record. Appellants have two 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, 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 1st Addl. Sessions Judge, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No.236 of 2021, 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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