

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3658 of 2023

Arising Out of PS. Case No.-1210 Year-2022 Thana- MADHEPURA District- Madhepura

Prabhash Yadav @ Prabash Yadav S/O - Late Ugan Yadav Village - Katahrwa,
Ward No. - 12, P.S. -MADHEPURA (BHARRAHI O.P.), Dist - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Munchun Devi Wife Of Sanjay Rajak Village - Katahrwa, P.S. - Madhepura
(BHARRAHI O.P.)

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The Notice is validly served upon respondent no. 2
but nobody has appeared on behalf of the respondent no. 2.

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 06.07.2023 passed by learned Additional
District and Sessions Judge 1st -cum-Special Judge Special
Judge, Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Madhepura in connection with Madhepura (Bharrahi



O.P.) P.S. Case No. 1210 of 2022 registered under Sections 341, 323, 324, 307, 354(B), 379, 385, 504, 506, 34 of the Indian Penal Code, Sections 25(g), 25(1-b)a, 26, 27, 37(B) of the Arms Act and Sections 3(1)(r)(s)(w) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution Case, allegation against the appellant is that he has assaulted the Anurag Kumar but injury was found to be simple in nature. The injury report is enclosed by learned counsel for the appellant by way of supplementary affidavit as Annexure- P 3 series.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal. There is admitted land dispute between the parties.

6. Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2 / informant by taking caste name.

7. Considering the facts and circumstances of the case, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st -cum-Special Judge Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 1210 of 2022, 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)

Ranjeet/-

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