

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3324 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- BIHIA District- Bhojpur

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1. RAM ISHWAR YADAV Son of Late Sukhi Yadav Resident of Village - Barsingha Tola, P.s.- Shahpur Bahoranpur (OP), Distt.- Bhojpur.
 2. Ramdhani Yadav @ Ramdhan Yadav Son of Gauri Shankar Yadav Resident of Village - Barsingha Tola, P.s.- Shahpur Bahoranpur (OP), Distt.- Bhojpur.
 3. Dhan Lal Yadav Son of Gauri Shankar Yadav Resident of Village - Barsingha Tola, P.s.- Shahpur Bahoranpur (OP), Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Baiju Gond Son of Murari Gond Resident of Village - Barsingha Tola, P.s.- Bahoranpur (OP), Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 At the outset, learned Special P.P. for the State submits that he had informed the informant to plead in the present appeal through his counsel or through him, but today nobody appears on behalf of the informant.

Heard learned counsel for the appellant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.09.2022, passed by learned 1st Additional Sessions Judge-cum-Special



Judge, SC/ST Act, Bhojpur, Arrah in connection with Bihiya Bahoranpur P.S. Case No.100 of 2022 (SC/ST Case No.76 of 2022), registered under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

The appellants and other co-accused persons are said to have abused and assaulted the informant and his father. It is also alleged that the appellants have also abused the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got two criminal antecedents as stated in paragraph-3 of the memo of appeal. It is further submitted that there is case and counter case between the parties. It is submitted that firstly the appellants have filed case against the informant and thereafter the informant has also filed the instant case against the appellants. It is also submitted that both sides sustained injuries and injuries sustained by the injured persons are simple in nature.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants by submitting that there is specific allegation against appellant no.1 that he abused the informant by naming his caste, which is clear from the FIR.

Considering the fact that appellant no.1 has abused the



informant by naming his caste, I am not inclined to enlarge appellant no.1, Ram Ishwar Yadav on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to appellant no.1, Ram Ishwar Yadav is hereby rejected.

So far as appellants no.2 and 3 are concerned, considering the fact that no specific allegation is made against appellants no.2 and 3 to abuse the informant by naming his caste, let appellants no.2 and 3, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Arrah in connection with Bihiya Bahoranpur P.S. Case No.100 of 2022 (SC/ST Case No.76 of 2022), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

S.KUMAR/-

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