

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3771 of 2023

Arising Out of PS. Case No.-8 Year-2018 Thana- SC/ST District- Supaul

UPENDRA PRASAD YADAV @ UPENDRA YADAV S/O LATE
NARAYAN YADAV RESIDENT OF VILLAGE- LITIYAH, WARD NO 17,
P.S- PIPRA, DISTT.- SUPAUL.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHIO NATH SHARMA S/O LATE KHUSHI LAL SHARMA RESIDENT
OF VILLAGE- LITIYAH, WARD NO 18, P.S- PIPRA, DISTT.- SUPAUL.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shree Kant Pandey, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellant 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 his counsel, but nobody appears 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 30.06.2023 passed by learned A.D.J.-1-cum-Special Judge (SC/ST Act), Supaul in connection with SC/ST



P.S. Case No. 8 of 2018 registered under Sections 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) (w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, after some altercation regarding bamboo, all the accused persons including the appellant assaulted the informant and when her wife came there to save him, they abused her by taking her caste name and tried to outrage her modesty.

5. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. He is a retired teacher aged about 65 years. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of one and a half month in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



6. Learned Spl. PP for the State opposes the prayer for bail and submits that after investigation, the police has filed final from against the appellant, but differing from the final form, learned Court below took cognizance against him. He further relied upon the judgment of the Apex Court in the case of *Bachu Das Vs. State of Bihar and others* since reported *in (2014) 3 Supreme Court Cases 471*.

7. Considering the arguments of the parties as well as the view of the law laid down by the Hon'ble Apex Court in the case of *Bachu Das Vs. State of Bihar and others*, I am not inclined to enlarge the appellant on bail. The prayer for anticipatory bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

