

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3800 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- SC/ST District- East Champaran

-
1. Radheshyam Yadav Son Of Late Ramdeo Yadav R/O Vill- Chainpur, Ps- Adapur, Dist East Champaran
 2. Shivsagar Yadav Son Of Late Ramdeo Yadav R/O Vill- Chainpur, Ps- Adapur, Dist East Champaran
 3. Umashankar Yadav @ Umashankar Kumar Yadav Son Of Radheshyam Yadav R/O Vill- Chainpur, Ps- Adapur, Dist East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivkumari Son Of Jojan Sah R/O Vill- Chainpur, Ps- Adapur, Dist East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhannjay Kumar No 2, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 11.10.2023 but nobody 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 26.07.2023 passed by learned Special Judge



SC/ST Act, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 26 of 2023, registered under Sections 341, 447, 323, 354, 504 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s)(w)(i) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. There is allegation against the appellants to assault the informant by fists and slap.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties. There is general and omnibus allegations levelled against the appellants. There is no allegation to abuse the informant by taking the caste name. The occurrence took place on 16.03.2023 but the FIR lodged on 21.04.2023 after a delay of more than one month and there is no any explanation of it which creates serious doubt about prosecution case. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.



7. In the facts and circumstances of the case, let 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 26 of 2023, 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)

ajay/-

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

