

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4827 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- SC/ST District- Bhagalpur

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TINKU YADAV @ RAJEEV KUMAR Son of Late Parshuram Yadav
Resident of village - Barari Haldhar Jha Lane, P.S.- Barari, District -
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Babu Lal Das son of late Bhutki Harizan resident of village- Kathalbari,
ward no. 29, P.S.- Barari, District- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Nandad Prasad
For the Respondent/s	:	Mr. Binay Krishna Mr. Kamal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-01-2023 Heard the parties.

Learned counsel for the appellant undertakes to remove
the defects within four weeks.

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
03.11.2021 passed by learned 3rd Additional Sessions Judge cum
Special Judge (SC/ST), Bhagalpur in connection with Bhagalpur
SC/ST P.S. Case No.11 of 2021, registered under Sections 341,
323, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) of
the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

As per the FIR, when the informant's son was having tea, he was asked by the accused persons including the appellant to install '*Bans ka khutta*' to which the informant's son denied after which both the accused persons started abusing by taking caste name and also assaulted with lathi on his head.

It is submitted by learned counsel for the appellant that 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. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is no eye witness to the occurrence. He further submits that as per the impugned order it is evident that the injuries are simple in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that there is specific allegation against the appellant to abuse the informant by taking caste name.

Considering the facts and circumstances of the case as well as from the perusal of the impugned order it is clear that



there is some dispute regarding land between the parties, 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 released 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 the learned 3rd Additional Sessions Judge cum Special Judge (SC/ST), Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No.11 of 2021, subject to the condition as 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)

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