

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4891 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Gaya

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1. DULARCHAND YADAV SON OF LATE GANGA YADAV R/O VILLAGE- ISMAIL BALWAPAR, P.S.- TEKARI, DISTRICT- GAYA
 2. SANDEEP YADAV SON OF DULARCHND YADAV R/O VILLAGE- ISMAIL BALWAPAR, P.S.- TEKARI, DISTRICT- GAYA
 3. RANJEET YADAV SON OF DULARCHAND YADAV R/O VILLAGE- ISMAIL BALWAPAR, P.S.- TEKARI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAGJEEWAN DAS SON OF GAYA DAS R/O VILLAGE- ISMAIL BALWAPAR, P.S.- TEKARI, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 23-06-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. 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 for anticipatory bail vide order dated 26.10.2021 in A.B.P. No. 2793 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gaya SC/ST P.S. Case No. 25 of 2020 registered for the offences punishable



under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v-a) of the SC/ST Act.

The informant Jagjeevan Das alleges that accused Dularchand, Sandeep and Ranjeet abused him in the name of his caste and assaulted him with fist and leg when nearby ladies namely, Baby and Malti came to rescue him but all the aforesaid accused persons abused both ladies in the name of their caste and assaulted them with slap.

Learned counsel for the appellants submits that appellants are persons with clean antecedent, it is next submitted that the appellants have been falsely implicated in the present case, it is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic as the same does not disclose what abuse were hurled on the informant, it is next submitted that merely taking caste name will not attract SC/ST Act. It is next submitted that allegation of assault is ornamental.

Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellants but are not in a position to rebut the submissions of the learned counsel for the appellants that the allegation in the



FIR does not disclose with clarity the abuse which were hurled.

In view of the submissions made by the learned counsel for the appellants, the order dated 26.10.2021 in A.B.P. No. 2793 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gaya SC/ST P.S. Case No. 25 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaya SC/ST P.S. Case No. 25 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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