

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4138 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- NAUHATTA District- Saharsa

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1. SIKANDAR YADAV @ SIKENDAR YADAV SON OF LATE KHUSHI LAL YADAV RESIDENT OF VILLAGE - KASIMPUR, P.S. - NAUHATTA, DISTRICT - SAHARSA
 2. RAMESH YADAV SON OF CHHEDI YADAV RESIDENT OF VILLAGE - KASIMPUR, P.S. - NAUHATTA, DISTRICT - SAHARSA
 3. KUMAR RAJA @ PRAMOD YADAV @ PRAMOD KUMAR SON OF VIKAN YADAV RESIDENT OF VILLAGE - KASIMPUR, P.S. - NAUHATTA, DISTRICT - SAHARSA
 4. VINOD YADAV SON OF VIKAN YADAV RESIDENT OF VILLAGE - KASIMPUR, P.S. - NAUHATTA, DISTRICT - SAHARSA

... .. Appellants.

Versus

1. The State of Bihar
2. NARAYAN RAM SON OF LATE DEVAN RAM RESIDENT OF VILLAGE - AURIYA, P.S. - NAUHATTA, DISTRICT - SAHARSA

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Sanjeev Verma, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2:	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard learned counsel for the appellants and learned Special PP for the State assisted by learned counsel for the respondent no.2.

2. Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.3 submitting that during pendency of this appeal appellant no.3 has already been apprehended.



3. Permission is granted.

4. Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.3 only.

5. Now, this appeal survives only for appellant nos.1, 2 and 4.

6. 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 05.08.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saharsa in connection with Nauhatta P.S. Case No. 61 of 2023 registered under Sections 147, 341, 323, 342, 353, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. The appellants along with other co-accused are said to have assaulted the informant and his son by various means and also abused him in the name of caste.

8. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further



submitted that although the informant has sustained the injury but the injury was found simple in nature. It is further submitted that there is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellant nos. 1 and 2 have no criminal antecedent, whereas appellant no.4 has one criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail. Learned counsel for the respondent no.2 further submitted that while the informant had gone to join in the said school on the direction of his superior authority, the incident took place.

10. In the facts and circumstances of the case as well as the fact that the injury are simple in nature, let the above named appellant nos.1, 2 and 4, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saharsa in connection with Nauhatta P.S. Case No.61 of 2023, subject to the condition as laid down under Section 438



(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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