

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3962 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- JAYNAGAR District- Madhubani

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1. BHUSHAN YADAV @ CHANDRASHEKHAR Son of Maheshwar Yadav Resident of village - Kamlabari (Goth) Ward No.- 11, P.S.- Jaynagar, Dist.- Madhubani
 2. Jitendra Kumar @ Jitendra Kumar Yadav Son of Late Laxmeshwar Yadav Resident of village - Kamlabari (Goth) Ward No.- 11, P.S.- Jaynagar, Dist.- Madhubani
 3. Rakesh Kumar Yadav @ Rakesh Kumar Son of Bindeshwar Yadav @ Bindeshwar Prasad Yadav Resident of village - Kamlabari (Goth) Ward No.- 11, P.S.- Jaynagar, Dist.- Madhubani
 4. Chandan Kumar Yadav @ Chandan Kumar Son of Vijay Yadav Resident of village - Kamlabari (Goth) Ward No.- 11, P.S.- Jaynagar, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Mahra Son of Uttim Lal Mahra Resident of village - Kamlabari (Goth) Ward No.- 10, P.S.- Jaynagar, Dist.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar Sah
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he complied the order dated 04.01.2023 but nobody appeared on behalf of the informant.

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 08.09.2022 passed by learned Special Judge-1st, Madhubani in connection with Jaynagar P.S. Case No. 140/2022 registered under Sections 147, 148, 149, 341, 323, 324, 307, 452, 427, 354(B), 504, 506 and 380 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is case and counter case between the parties and both sides have sustained injuries. Allegation against the appellants to abuse the informant inside the house not in public view. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abused the informant by taking caste name.

In the facts and circumstances of the case and the fact that there is case and counter case between the parties, 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-1st, Madhubani in connection with Jaynagar P.S. Case No. 140/2022, 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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