

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3868 of 2022**

Arising Out of PS. Case No.-192 Year-2022 Thana- PAHARPUR District- East Champaran

1. BHOLA YADAV @BHOLA KUMAR YADAV Son of Not KNown R/v- Panditpur, P.S.- Paharpur, District- East Champaran.
2. SANJAY YADAV S/o Mantu Yadav @ Jokha Yadav R/v- Panditpur, P.S.- Paharpur, District- East Champaran.
3. RAM MILAN KUMAR @ BHADAI YADAV S/o Rajeshwar Yadav R/v- Panditpur, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. SANTOSH RAM S/o Shivdayal Ram R/v- Panditpur, P.S.- Paharpur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Dhannjay Kumar No.2, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 02-03-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State as well as learned counsel appearing 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 referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.09.2022, passed by learned Special Judge, S.C./S.T. Act, Motihari, East Champaran in connection with Paharpur P.S. Case No.192 of 2022, registered under Sections 341, 323, 379,



504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

The appellants are said to have abused the informant and his father by naming their caste and also assaulted them. It is also alleged that appellant no.2 snatched a chain made of gold from the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the allegation against the appellants is general and omnibus. It is submitted that the occurrence took place on 11.05.2022, but the FIR was lodged on 03.06.2022, after delay of more than 22 days.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellants by submitting that the appellants have abused the informant by naming his caste.

Considering the delay in lodging the FIR, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released 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, Scheduled Caste and Scheduled Tribe Act, Motihari, East Champaran in connection with Paharpur P.S. Case No.192 of 2022, subject to the conditions 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)

S.KUMAR/-

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