

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4056 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Munger

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1. SHAMBHU YADAV @ SHAMBHU KUMAR Son of Mahendra Yadav Resident of Village- Banbarsa, P.S.- Kharagpur, District- Munger
 2. DEVENDRA PRASAD YADAV @ D.P. YADAV @ DEVENDRA KUMAR YADAV Son of Mahendra Yadav Resident of Village- Banbarsa, P.S.- Kharagpur, District- Munger

... .. Appellants.

Versus

1. The State of Bihar
2. Anita Devi Wife of Late Mani Kant Soren Resident of- Motiatari, P.S.- Haveli Kharagpur, District- Munger

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 08.02.2023, he has informed the informant but none is present on her behalf.

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 13.09.2022 passed by learned 1st Additional Sessions Judge, Munger in connection with SC/ST P.S. Case No. 19 of 2022 registered under Sections 341, 323, 354B, 384,



504, 506 & 509/34 of the Indian Penal Code and Section 3(1) (g) (r) (s) w (i) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant doing work on his field, all the F.I.R. named accused persons including these appellants are said to have assaulted and slated him in her caste name. The reasons behind the occurrence is said to be previous land dispute.

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 and land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury. 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. Moreover, the matter has been compromised between the parties. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, 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 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, Munger in connection with SC/ST P.S. Case No.19 of 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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