

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4013 of 2022**

Arising Out of PS. Case No.-117 Year-2022 Thana- NARALI KALA KHURD District-
Aurangabad

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RAMASHISH YADAV Son of Late Dashai Yadav R/V- Mahuari, P.S- Narari
Kala Khurd, Dist- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Kr. Ram Son of Surya Deo Ram R/V- Mahuari, P.S- narari Kala
Khurd, Dist- Aurangabad (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjit Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, APP.

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

3 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in
compliance of order dated 02.03.2023, he informed the
respondent no.2 to plead in the present appeal through his
counsel but nobody appears on his 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
04.11.2022 passed by learned 1st Additional District and
Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in



connection with Narari Kala Khurd P.S. Case No. 117 of 2022 registered under Sections 147, 341, 323, 308, 504, 506 of the Indian Penal Code and Section 3(1)(V)(S)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, petitioner along with other co-accused persons abused and assaulted the informant with deadly weapons with intention to kill him.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation of assault against Rana Yadav and Indrajit Yadav. There is admitted land dispute between the parties. The injuries sustained by the informant are simple in nature. There is no allegation of slating the informant by taking his caste name against the petitioner. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



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

In the facts and circumstances of the case, as the injuries sustained by the injured are simple in nature, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Narari Kala Khurd P.S. Case No. 117 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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