

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4095 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST District- Kaimur (Bhabua)

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1. PRADEEP YADAV @ PRADEEP KUMAR YADAV SON OF SHYAMLAL YADAV @ SHYAMLAL SINGH R/O VILLAGE- RUDRAWAR KALA, P.S.- SONHAN, DISTRICT- KAIMUR AT BHABUA
 2. SUBHASH YADAV SON OF SHYAMLAL YADAV @ SHYAMLAL SINGH R/O VILLAGE- RUDRAWAR KALA, P.S.- SONHAN, DISTRICT- KAIMUR AT BHABUA
 3. JAGAT YADAV @ JAGAT KUMAR SON OF SHYAMLAL YADAV @ SHYAMLAL SINGH R/O VILLAGE- RUDRAWAR KALA, P.S.- SONHAN, DISTRICT- KAIMUR AT BHABUA

... .. Appellant/s

Versus

1. The State of Bihar
2. KHOBHARI GOND SON OF LALITA GOND R/O VILLAGE- RUDRAWAR KALA, P.S.- SONHAN, DISTRICT- KAIMUR AT BHABUA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tribhuwan Narayan, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP for the State submits that in compliance of order dated 19.04.2023, he informed the informant to appear before this Court 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 16.09.2022 passed by learned Additional Sessions Judge-1st cum Special Judge, Kaimur at Bhabua in connection with SC/ST Bhabhua P.S. Case No. 14 of 2022 registered under Sections 147, 149, 323, 325, 341, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, appellants along with other accused persons abused and assaulted the informant by means of lathi-danda.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to enmity. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. From bare perusal of record, there is no specific 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. 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, as there is no specific overt act against the appellants, 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 Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabua in connection with SC/ST Bhabhua P.S. Case No. 14 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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