

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4010 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- SC/ST District- Madhubani

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1. JAGDEV YADAV @ JAGDEV GOHIVAR @ GOHIVAR Son of Late Shivlal Gohivar R/v- Maheshwara, P.O.- Maheshwara, P.S.- Babubarhi, District- Madhubani
 2. RASENDRA YADAV Son of Jahindra Yadav R/v- Maheshwara, P.O.- Maheshwara, P.S.- Babubarhi, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNITA DEVI Wife of Late Dukhi Das R/v- Maheshwara, P.O.- Maheshwara, P.S.- Babubarhi, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar Tiwary, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Subhash Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-
2023

Heard the parties.

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 31.08.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Madhubani in connection with SC/ST P.S. Case No. 03 of 2022 registered under Sections 448, 323, 427, 509, 379, 504, 506/34 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 entered the house of the informant and started abusing her by taking her caste name. They assaulted the informant and her sons. They also misbehaved with her daughter-in-law and took Rs. 20,000/- kept in the box.

It is submitted by learned counsel for the appellants that appellants are quite innocent and has committed no offence. No such occurrence as alleged ever took place. 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 ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as there is



general and omnibus allegation 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 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. Sessions Judge cum Special Judge, Madhubani in connection with SC/ST P.S. Case No. 03 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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