

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4235 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- ATRI District- Gaya

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1. Haridwar Yadav S/O Late Bindi Yadav Resident Of Village- Bedpura, P.S.- Atri, District- Gaya.
 2. Aman Kumar S/O Ramjee Yadav Resident Of Village- Bedpura, P.S.- Atri, District- Gaya.
 3. Amit Kumar S/O Ramjee Yadav @ Nand Kishore Yadav Resident Of Village- Charwara, P.S.- Atri, District- Gaya.
 4. Deepak Kumar S/O Ramjee Yadav @ Nand Kishore Yadav Resident Of Village- Charwara, P.S.- Atri, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. LALTI DEVI W/O ASHOK PASWAN Resident of village- Bedpura, P.S.- Atri, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
15.03.2023 but nobody appeared on behalf of the respondent
no.2.

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 12.08.2022 passed by learned Exclusive Special Judge, SC/ST Gaya in connection with Atri P.S. Case No. 316/2022, registered under Sections 341, 323, 504, 506, 379 and 34 of the Indian Penal Code and Section 3 (1)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is allegation against the appellants that on 12.08.2022 at about 10 PM the accused persons doing meeting and consuming wine and came at the house of the informant and started abusing in caste indicative words and also assaulted. All the occurrence took place inside the house not in public view. Hence, no case is made out against the appellants under SC/ST Act. They have been falsely implicated in this case due to demand of Rs. 500 from the informant side for ploughing of the field by tractor and this fact has also come in the course of investigation. There is no specific overt act against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for



bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants and all the occurrence took place inside the house, let 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Gaya in connection with Atri P.S. Case No. 316/2022, 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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