

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4129 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- PHULPARAS District- Madhubani

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1. Hare Ram Yadav @ Hareram Yadav Son Of Jasodhar Yadav R/V- Phulparas, P.S- Phulparas, Dist- Madhubani
 2. Ram Sundar Yadav @ Ramsundar Yadav Son Of Jasodhar Yadav R/V- Phulparas, P.S- Phulparas, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwar Chaupal Son of Jhuri Lal Chaupal R/V- Phulparas, P.S- Phulparas, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jitendra Kumar Bharti
For the State	:	Mr.Usha Kumari 1
For the respondent no. 2	:	Mr. Gagandeo Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-10-2023 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 27.06.2022, passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Madhubani in connection with Phulparas P.S. Case No. 89 of 2022, registered under Sections 341, 323, 324 379, 307/34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

3. Appellants are said to have assaulted the informant by



means of iron rod and farsa on his head as a result of which he received injury.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that occurrence took place on 13.02.2022 but FIR has been lodged on 18.02.2022 and there is no explanation for delay which creates serious doubt about the prosecution case. He submits that the injury found upon the victim is simple in nature. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned Spl. PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the occurrence took place in the public place, therefore, anticipatory bail application is not maintainable.

6. Considering the facts and circumstances of the case and the fact that there is delay in filing the FIR, 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 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-I-cum-Special Judge (SC/ST), Madhubani in connection with Phulparas P.S. Case No. 89 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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