

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4344 of 2022

Arising Out of PS. Case No.-387 Year-2022 Thana- AMAS District- Gaya

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1. Nagendra Kumar @ Nagendra Yadav Son of Lakhan Yadav Resident of Village - Paharpur, P.O.- Dariaura, P.S.- Amas, District - Gaya.
 2. Harendra Kumar @ Harendra Yadav Son of Lakhan Yadav Resident of village - Paharpur, P.O. - Dariaura, P.S. - Amas, Distt. - Gaya
 3. Dharmendra Kumar @ Dharmendra Yadav @ Mushar Yadav Son of Lakhan Yadav Resident of village - Paharpur, P.O. - Dariaura, P.S. - Amas, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Baban Das Son of Late Nadu Das Resident of Village - Paharpur, P.O.- Dariaura, P.S.- Amas, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Javed Jafar Khan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Sarva Deo Singh, Adv. Mr. Alka Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 17.11.2022 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Amas P.S. Case No. 387 of 2022 registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, the appellants, along with other accused persons, assaulted the informant's son. They also abused the informant by taking his caste name.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. Both parties are neighbors. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. There is an admitted land dispute between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of nine days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is no 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 as well as learned counsel for the informant 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 Exclusive Special Judge, (SC/ST Act), Gaya in connection with Amas P.S Case No. 387 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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