

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4304 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- CHHATAPUR District- Supaul

SUSHIL YADAV @ SUSHIL KUMAR Son of Bramhadeo Yadav R/O Vill.-
Dahariya, Ward No.- 11, P.S. - Chhatapur and District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi Wife of Pannalal Paswan R/O Hasanpur, Ward No.- 01, P.S.-
Chhatapur, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Verma, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 31.08.2022 in A.B.P. No. 705 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Chhatapur P.S. Case No. 67 of 2022 registered for the offences punishable under Sections 307, 379 and 354B of the Indian Penal Code as well as Sections 3(i)(r) and 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant has antecedent of one case and the informant alleges that on account of dispute relating to land, accused persons abused and assaulted her and appellant is also alleged to have assaulted by an iron rod causing fracture of hand and snatched chain, further her son was assaulted by *farsa* by Prince causing injury on head, further Sunil assaulted other son by Kudal causing injury on head.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that the specific allegation of hurling abuse is against Ajay and injury on hand is simple. It is further submitted that parties, on intervention of the well wishers, have compromised the case.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 31.08.2022 in A.B.P. No. 705 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Supaul in connection with Chhatapur P.S. Case No. 67 of 2022 is hereby set aside and the appellant above-named, in the event of his



arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatapur P.S. Case No. 67 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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