

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4354 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- SC/ST District- Purnia

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1. Chandra Kishor Yadav Son Of Late Mohan Lal Yadav R/V- Khuthari Ward No. 2, P.S- Banmankhi, Dist- Purnia
 2. Chhotu Kumar @ Chhotu Kumar Yadav @ Pratosh Kumar Son Of Chandra Kishor Yadav R/V- Khuthari Ward No. 2, P.S- Banmankhi, Dist- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Kumar Das Son of Late Narayan Das R/V- Dharhara, PS- Banmankhi, Dist- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijendra Kumar Singh
For the State	:	Mr. Binay Krishna
For the Informant	:	Mr. Kr. Dhananjay Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 26-04-2023 Heard learned counsel for the appellants, learned counsel for respondent no.2/informant and learned Special Public Prosecutor 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 in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 21.11.2022 passed by learned Special Judge SC/ST Act, Purnia, in connection with SC/ST P.S. Case No. 30 of 2022 registered under Sections 420, 425, 120B and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellants is said to have assaulted and abused the informant by taking his caste name.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that the informant did not stated in his self statement that. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific overt against the appellants. He further submits that there is civil dispute between the parties. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no. 2 oppose payer for bail and submit that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is civil nature dispute between the parties, 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 learned Special Judge SC/ST Act, Purnea, in connection with SC/ST P.S. Case No. 30 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)

anand/-

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