

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4360 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- SC/ST District- East Champaran

Sanjay Kumar Yadav Son Of Raghunath Yadav @ Raghunath Rai R/O
Village- Laxmipur Gadhariya, P.S.- Raghunathpur (O.P.), District- East
Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Bal Govind Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the appellant, learned
counsel for the informant 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 15.11.2022 in A.B.P. No. 4087 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with S.C./S.T. Motihari P.S. Case No. 35 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant who is *Sarpanch* alleges that he was called by Kalmaro Devi for holding a *panchayati*, it is next alleged that in the *panchayati* the maternal side of Kalmaro Devi were present and were objecting the transfer of property made by Kalmaro Devi in favour of her daughters on which some altercation took place, it is next alleged that the accused persons including the appellant abused and the appellant also assaulted the informant by slippers.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that the date of occurrence is 09.09.2022 and the FIR came to be instituted on 21.09.2000 i.e. after a delay of twelve days which casts an aspersion on the case of the prosecution and it appears that the FIR came to be instituted by way of afterthought only with a view to falsely implicate the appellant.

Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned



counsel for the appellant, the order dated 15.11.2022 in A.B.P. No. 4087 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with S.C./S.T. Motihari P.S. Case No. 35 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 S.C./S.T. Motihari P.S. Case No. 35 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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