

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.125 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- RANIYATALAB District- Patna

DEEPAK YADAV @ DEEPAK KUMAR Son of Ramesh Yadav Resident of
Village- Patut, P.S.- Rani Talab, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Saty Narayan Mochi Son of Rup Lal Mochi Resident of Village- Patut, P.S.-
Rani Talab, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, the learned
Spl.PP for the State informed the informant about the present
case but nobody has entered appearance on his behalf.

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
16.11.2022 passed by learned Exclusive Special Court SC/ST
Act in connection with Rani Talab P.S. Case No.161 of 2022,
registered under Sections 341, 323, 504, 506, 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 FIR, while the informant was having meal in his dalan, the appellant came there and abused him by taking caste name and assaulted him with butt of pistol on his mouth due to which he got injured.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. Slating the informant/complainant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail by submitting that there is specific allegation against the appellant to abuse the informant/respondent no.2 by taking his



caste name.

Having regards to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This appeal is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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