

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.886 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. RAM PRAVESH YADAV S/O LATE JAGU YADAV R/v- Lala Amauna, P.O.- Tarar, P.S.- Daudnagar, District- Aurangabad At present resident of Village- Rajkumar bigha, Shamsdernagar, P.S.- Daudnagar, District- Aurangabad
2. NAGENDRA SINGH @ NAGENDRA KUMAR S/O RAMPRAVESH YADAV R/v- Lala Amauna, P.O.- Tarar, P.S.- Daudnagar, District- Aurangabad At present resident of Village- Rajkumar bigha, Shamsdernagar, P.S.- Daudnagar, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM KUNDAL DAS S/O LATE CHHATHAN DAS R/v- Lala Amauna, P.O.- Tarar, P.S.- Daudnagar, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rupa Kumari
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Santosh Chandra Bhaskar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-01-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

2. 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 12.01.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in



connection with Daudnagar P.S. Case No. 540 of 2022 registered under Sections 341, 323, 420, 406 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellants is that they assaulted the informant and abused him by taking the caste name.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have 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. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is inordinate delay of 158 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that there is admitted land dispute between the parties. Learned counsel for the appellants relied upon the judgment in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State



assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case and the nature of the dispute, 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 released 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Daudnagar P.S. 540 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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