

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- SINDHIYA District- Samastipur

Jaiveer Yadav @ Jayavir Yadav @ Jayvir Yadav Son of Late Khushi Lal
Yadav Resident of Village- Bhushna, P.S.- Singhia, District- Samastipur,
Bihar

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Om Prakash Paswan Son of Ram Swarath Paswan Resident of Village-
Dasharath Dih, P.S.- Singhia, District- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajni Kant Singh
For the State	:	Mr.Binay Krishna
For the Respondent no.2 :		Mr. Raj Ram Mishra
		Mr. Raj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and 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 13.12.2023 passed by learned Special Judge
SC/ST (POA) Act, Samastipur, in connection with Singhia P.S.
Case No. 167 of 2023 registered under Sections 341, 323, 324,
307, 325, 504, 379/34 of the Indian Penal Code and Sections



3(1)(s), 3(1)(r), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellant along with other co-accused persons is said to have abused and assaulted the informant and one Raja Paswan.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that there is case and counter case between the parties and injury is found simple in nature. Appellant has got six antecedents out of which three cases were lodged by the present informant due to previous enmity as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is case and counter case between the parties, let the above named appellant, in the event of his 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) with two



sureties of the like amount each to the satisfaction of learned
Special Judge SC/ST (POA) Act, Samastipur, in connection with
Singhia P.S. Case No. 167 of 2023, 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)

anand/-

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