

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2072 of 2023

Arising Out of PS. Case No.-840 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. RAHUL KUMAR SON OF RAJBALLABH YADAV @ RAJBALLAM YADAV VILLAGE PACHNA @ PACHANA @ PANCHANA, PS-SHEIKHPURA, DISTT- SHEIKHPURA
2. SADHU YADAV @ SADABRIKSHA YADAV @ SADABRIKSHA KUMAR SON OF RAMASHISH YADAV VILLAGE PACHNA @ PACHANA @ PANCHANA, PS- SHEIKHPURA, DISTT- SHEIKHPURA
3. DEVAN YADAV SON OF RAMBRIKSHA YADAV VILLAGE PACHNA @ PACHANA @ PANCHANA, PS- SHEIKHPURA, DISTT- SHEIKHPURA

... .. Appellants.

Versus

1. The State of Bihar.
2. Shatrughan Paswan, son of Sakiclanand Paswan, resident of village Hauspur, P.S. Chewada, District Sheikhpura.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 6 07-02-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State but in spite of valid service of notice none is present on behalf of the informant/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 24.12.2022 passed by learned 1st Additional Sessions Judge, Sheikhpura in connection with Sheikhpura P.S. Case No. 840 of



2022 registered under Sections 341, 323, 307, 379, 506 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Appellants are said to have slated the informant in his caste name and also assaulted him.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that informant and appellants are working in same company i.e. Prince Construction. The informant is working as Accountant which is admitted by himself and due to some trivial dispute the informant has lodged this false and fabricated case. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposed the prayer for bail.



6. In the facts and circumstances of the case, 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 the learned 1st Addl. Sessions Judge, Sheikhpura in connection with Sheikhpura P.S. Case No.840 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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