

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2421 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

Ramesh Yadav @ Ramesh Singh Yadav Son Of Shankar Yadav @ Shiv
Shankar Singh Village- Akhini, Ps- Nuaon, Dist- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tufani Ram Son Of Late Shiv Deni Ram Village- Garara, Ps- Nuaon, Dist- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Mishra
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Parwej Khan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated
30.04.2024 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, Kaimur at Bhabhua in connection with
Nuaon (Ramgarh) P.S. Case No. 42 of 2024, registered under
Sections 341, 323, 307, 34 of the Indian Penal Code and Section
3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act (for short “SC/ST Act”), whereby the prayer
for anticipatory bail of appellant has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, while the son of informant was going for unloading fertilizer urea in the village, on the way, this appellant alongwith two unknown persons stopped him and thereafter, abused him by caste name. They also assaulted son of informant, due to which, he sustained injury.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case. As a matter of fact, the tractor, which was being driven by informant's son, dashed the motorcycle of appellant, due to which, some hot talk took place between them. The injury, sustained by informant's son, is simple in nature. Learned counsel further submits that F.I.R. does not disclose that any member of the public was present when the alleged words were uttered by appellant to informant's son, and as such, no offence under the SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and circumstances of the case as well as rival submissions advanced on behalf of the parties, the impugned order dated 30.04.2024 is,



hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Nuaon (Ramgarh) P.S. Case No. 42 of 2024.

(Prabhat Kumar Singh, J)

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