

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2810 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- SC/ST District- Nawada

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1. MANOJ YADAV Son of Baraham Yadav Resident of Village - Rebar Tola Rehri, P.S.- (Dhamoul O.P.), Pakribrawan, District - Nawada.
 2. Tanak Yadav Son of Baraham Yadav Resident of Village - Rebar Tola Rehri, P.S.- (Dhamoul O.P.), Pakribrawan, District - Nawada.
 3. Baraham Yadav @ Brahmdev Yadav Son of Late Rameshwar Yadav Resident of Village - Rebar Tola Rehri, P.S.- (Dhamoul O.P.), Pakribrawan, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manti Devi Wife of Naresh Choudhary Resident of Village - Rebar, P.S.- Pakribrawan, (O.P. Dhamoul), District - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sheo Kumar Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Alok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though the Vakalatnama on behalf of the informant
was filed, but nobody appears today in the Court on her behalf.

3. 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 22.03.2023 passed by learned Exclusive



Special Judge SC/ST Nawada in connection with SC/ST P.S. Case No. 33 of 2022 registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants are said to have abused and assaulted the informant.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. It is further fairly submitted that there is serious allegation against appellant no.1 to abuse the informant by taking her caste name, but slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury. Learned counsel for the appellant further submits at bar that there is compromise between the parties. Appellants have no criminal antecedent.

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



7. In the facts and circumstances of the case, as there is compromise between the parties, 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 Exclusive Special Judge SC/ST Nawada in connection with SC/ST P.S. Case No. 33 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors will be the informant.

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

(Anjani Kumar Sharan, J)

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