

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2752 of 2024

Arising Out of PS. Case No.-795 Year-2023 Thana- PATRAKARNAGAR District- Patna

Uday @ Uday Kumar @ Uday Prasad S/O Late Nageshwar Yadav @ Late
Naga Yadav Resident of 140,parallel to RNB Gas Agency Gali, Gate no. 15,
Old Kankarbagh, Police Station- Patrakarnagar, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Kumari D/O Chandradeo Paswan Resident of Munna Chak, Bank
Mens Colony, Police Station Patrakarnagar, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-06-2024 **1.** Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Mr. Sadanand Paswan.
- 2.** The learned counsel for the appellant, at the outset,
submits that that there is a delay of 71 days in filing the appeal for
which IA No. 1 of 2024 has been filed.
- 3.** In view of the grounds taken in the limitation
application, the delay is condoned in filing the appeal.
- 4.** The IA No. 1 of 2024 is allowed.
- 5.** This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for anticipatory bail vide order dated 3-1-2024 in



A.B.P. No. 11331 of 2023 passed by the learned Exclusive Special Judge S.C./S.T., Patna in connection with Patrakar Nagar P.S. Case No. 795 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506, 427 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)(va) of the SC/ST (P.O.A) Act.

6. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that on 20-10-2023 at about 10:00 pm near Rajanendra Nagar Terminal, the accused persons including the appellant along with unknown accused came and assaulted her brother Vishal and also snatched Rs. 2,300/- which she had earned through driving *Auto*.

7. The learned counsel submits that allegation of assault is general and omnibus in nature. It is further submitted that earlier a dispute had arisen in between Vishal Kumar and his brother Deepak Kumar on one side with the named accused persons of this case and one Devendra Rai for which a written complaint was filed from the side of the appellant before the Patakarnagar police station, but then the matter was compromised. Thereafter, the instant false case came to be instituted. It is next submitted that the injured has suffered simple injury.



8. The learned Spl. PP submits that similarly situated co-accused Ashish Chandra Yadav @ Satyendra Yadav had approached this court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 465 of 2024, but the same was rejected by an order dated 6-5-2024 on which the learned counsel appearing on behalf of the appellant submits that Ashish Chandra Yadav withdrew his appeal as he had not approached the court with clean hands as he had concealed criminal antecedent.

9. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. Accordingly, the impugned order dated 3-1-2024 is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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