

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3108 of 2023**

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

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SRIDEV YADAV @ RISHABH RAJ S/O LATE MAHESHWER YADAV
R/O Village- Biswari, P.S- Gwalpara, Distt.- Madhepura.

... .. Appellant/s

Versus

1. State of Bihar.
2. Santu Kumar Ram S/O Late Shyam Lal Ram R/O Vill- Biswari, Ward no. 4,
P.S- Gawalpara, Distt.- Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raghaw Kumar, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-06-2024 1. Heard learned counsel for the
appellant and learned Special P.P. for the State.

2. The appellant has preferred the present appeal under Section 14A(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 bail vide order dated 22.03.2023 passed by the learned 1st Additional District & Session Judge, cum Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocity Act), Madhepura, in connection with



ABP No. 289/2023, Gawalpara P.S. Case No. 96/2021 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 384, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v)/3(2)(va) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice appears served to respondent no. 2 by way of substituted mode of service, which shows that it has been served validly upon informant but failed to join the present proceedings.

5. The allegation against the appellant is to assault the father of informant with rod and knife, causing injuries on thigh and chest, having pistol and knife in hand. Said assault was alleged to be caused with co-accused Sonu Yadav @ Bijli.

6. Learned counsel appearing for the appellant submitted that the appellant



implicated falsely with present case out of local disputes and differences. It is submitted that the allegation as to cause injury by using *dagger* on thigh of father of informant is also specifically alleged against co-accused Bidur Kumar @ Bidur Yadav, who has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 914 of 2022 dated 15.12.2022. It is submitted that other injuries were alleged to be inflicted by 16 named accused persons. Learned counsel further submitted that nothing appears on facial perusal of FIR that present occurrence took place out of atrocities within the meaning of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further pointed out that co-accused Shambhu Yadav and Krishna Kumar Yadav were also granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 758 of 2022 dated



25.01.2023. It is submitted that the case of present appellant is of similar footing. It is submitted that appellant is a man of clean antecedent.

7. Learned Special P.P. while opposing the prayer of anticipatory bail submitted that the allegation is to cause injury is specific against this appellant but fairly conceded that same appears to be caused by 17 named accused persons.

8. Learned counsel for the appellant submitted that if insult/occurrence is not caused to victim/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. In view of the submissions, as made above as similarly situated co-accused persons have already been granted anticipatory bail by one of the learned co-ordinate Bench of this



Court, considering the parity, let the appellant, above named, in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Session Judge, cum Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocity Act), Madhepura/concerned Court, where the case is pending in connection with Gawalpara P.S. Case No. 96 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, impugned order dated 22.03.2023 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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