

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3496 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Nalanda

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1. SHARVAN YADAV SON OF VINAY YADAV RESIDENT OF VILLAGE -ISUA, POLICE STATION- GIRIYAK, DISTRICT -NALANDA
 2. SADHU YADAV @ SADHU SHARAN KUMAR SON OF RAMAWATAR YADAV RESIDENT OF VILLAGE -ISUA, POLICE STATION- GIRIYAK, DISTRICT -NALANDA
 3. RAUSHAN KUMAR @ RAUSHAN YADAV KUMAR SON OF SANJAY YADAV RESIDENT OF VILLAGE -ISUA, POLICE STATION- GIRIYAK, DISTRICT -NALANDA

... .. Appellant/s

Versus

1. The State of Bihar
2. AWADHESH CHAUDHARY SON OF SIDHESHWAR CHAUDHARY RESIDENT OF VILLAGE ISUA, POLICE STATION GIRIYAK, DISTRICT NALANDA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 20.09.2023, she informed the informant to appear in the present appeal through his counsel, but nobody appears on his 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 12.06.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No. 20 of 2023 registered under Sections 341, 323, 307, 379, 427, 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants are said to have assaulted the informant's side brutally with deadly weapons and snatched Rs. 4,000/-. They also abused the informant's side by taking caste name.

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 assault levelled against the appellants is not specific rather general and omnibus in nature. 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. The injuries sustained by the injured are simple in nature.



Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case, as the occurrence took place inside the house of the informant, 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 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No. 20 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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