

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3640 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- KOPA District- Saran

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1. Saroj Yadav S/O Nagendra Yadav R/O Village- Shekhpura Muniya Tola, Ps. Kopa, Dist. Saran
 2. Manoj Yadav S/O Nagendra Yadav R/O Village- Shekhpura Muniya Tola, Ps. Kopa, Dist. Saran

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. TEJ PRATAP PRASAD S/O LATE RAMAYAN SAH R/O VILLAGE-BANKATA, PS. KOPA, DIST. SARAN

... .. Respondent/s

For the Appellant/s	:	Mr.Sanjay Kumar Singh, Adv.
For the respondent	:	Mr. Harish Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Heard learned counsel for the appellants, learned counsel for the respondent and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the rejection of prayer for anticipatory bail vide order dated 13.07.2023 passed by the learned 3rd Additional Sessions Judge cum I/C SC/ST/MP/MLA Judge, Saran at Chapra in connection with Kopa P.S. Case No. 05 of 2023 dated 04.01.2023 registered for the alleged offences under Sections 341, 323, 420 and 504 read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, in the year 2011, on three different dates, the co-accusd Niraj Kumar had taken Rs. 4 lakh 40



thousand from the informant through cheques and Rs. 1 lakh in cash to deposit in a non-banking company. After one year, when the informant demanded his money back at the time of marriage of his daughter but the co-accused, Niraj Kumar did not return the money. When the informant could not get the money, his condition became deteriorated then the informant and his wife went to the house of Niraj Yadav where the petitioners and the co-accused persons assaulted them by calling their caste name and threatened them to kill if they were ever seen in the village.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The occurrence took place in the year 2011 but the present case was lodged on 04.01.2023 and there is a delay of 12 years without any explanation. Learned counsel has further submitted that the allegation of receiving money from the informant is against the co-accused, Niraj Yadav and the appellants have been made accused in this case only because they are the family member of the co-accused, Niraj Yadav. It is further submitted that the allegation of abusing against the appellants is general and omnibus and no member of public was present at the relevant point of time of the alleged incident and hence, no offence under the provisions of SC/ST Act is made out against the appellants. It is further submitted that the appellants have no concern with the alleged offence. The appellants have one criminal antecedent in which they are on bail as stated at para 3 of the bail petition.



5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 13.07.2023 passed by the learned 3rd Additional Sessions Judge cum I/C SC/ST/MP/MLA Judge, Saran at Chapra in connection with Kopa P.S. Case No. 05 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum I/C SC/ST/MP/MLA Judge, Saran at Chapra in connection with Kopa P.S. Case No. 05 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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