

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3707 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- COMPLAINT CASE District- Supaul

1. RAGHU YADAV S/O BINDESHWARI YADAV R/O VILLAGE- JADIA, WARD NO. 15, P.S- JADIYA, DISTT.- SUPAUL.
2. RAJESH KUMAR YADAV @ RAKESH KUMAR S/O RAGHU YADAV R/O VILLAGE- JADIA, WARD NO. 15, P.S- JADIYA, DISTT.- SUPAUL.
3. SITA DEVI W/O RAGHU YADAV R/O VILLAGE- JADIA, WARD NO. 15, P.S- JADIYA, DISTT.- SUPAUL.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjay Kumar Singh
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Prafull Chandra Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. 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 05.07.2023 passed by learned 1st Additional District and Sessions Judge, Supaul, in connection with Complaint Case No.44C of 2022, registered under Sections 341, 323, 379, 354B, 504, 34 of the Indian Penal Code and Section 3(i)3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. Allegedly, the appellants and other accused persons entered the house of the complainant and abused and assaulted her. The appellant no.2 namely, Rajesh Yadav disrobed the complainant with bad intention and appellant no.3, Sita Devi took her ornaments.

4. It is submitted by learned counsel for the appellants that the appellants 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. He submits that there is a land dispute between the parties and proceeding under Section 107 of Cr.PC bearing Misc. Case No.684 of 2022 is also pending between the parties before the learned SDJM, Triveniganj. He further here is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, let 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 1st Additional District and Sessions Judge, Supaul, in connection with Complaint Case No.44C of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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