

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3751 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- TEYAR District- Bhojpur

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1. AJAY YADAV SON OF SURENDRA YADAV RESIDENT OF VILLAGE- KAMARIWAN, PS- TIYAR, DIST- BHOJPUR
 2. SANTOSH YADAV SON OF BISHESHWAR YADAV RESIDENT OF VILLAGE- KAMARIWAN, PS- TIYAR, DIST- BHOJPUR
 3. BIJENDRA YADAV SON OF GANGULI YADAV RESIDENT OF VILLAGE- KAMARIWAN, PS- TIYAR, DIST- BHOJPUR
 4. DHARMENDRA YADAV SON OF DIN DAYAL YADAV RESIDENT OF VILLAGE- KAMARIWAN, PS- TIYAR, DIST- BHOJPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AKASH KUMAR RAM SON OF LALLAN RAM RESIDENT OF VILLAGE- KAMARIWAN, PS- TIYAR, DIST- BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 08.11.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her 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 27.06.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bhojpur, Ara in connection with Tiwar P.S. Case No.38 of 2023, registered under Sections 147, 149, 341, 323, 325, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other persons brutally assaulted the informant's side by means of several weapons due to which they sustained injuries and also abused by taking caste name.

5. 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. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. The allegation of assault is levelled against unknown persons. There 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.

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

7. 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 Sessions Judge cum Special Judge (SC/ST Act), Bhojpur, Ara in connection with Tiya P.S. Case No.38 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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