

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4256 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Nalanda

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1. Ram Pravesh Yadav Son Of Late Chandra Yadav @ Late Chand Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda
 2. Ajay Yadav Son Of Late Dwarika Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda
 3. Mantu Kumar Son Of Ajay Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda
 4. Ramashish Yadav Son Of Late Tulshi Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda
 5. Munna Yadav Son Of Ramashish Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda
 6. Nagmani Yadav Son Of Ram Pravesh Yadav Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Paswan Son Of Shivcharan Paswan Resident Of Village - Bishusnpur, P.S. - Ben, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar No.1
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-02-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 18.10.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

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 31.07.2023 passed by learned VIth Additional District and Sessions Judge, Bihar Sharif, Nalanda, in connection with SC/ST P.S. Case No. 23 of 2023 registered under Sections 341, 323, 504, 506, 307/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant and his family members.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that the occurrence took place inside the house not in the public place, hence, no offence under SC/ST Act is made out against the appellant. He further submits that the injury was found simple in nature. Appellants no. 1, 2, 3, and 5 have no criminal antecedent and appellant no. 4 and 6 have got one criminal antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State opposes the prayer for



anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the occurrence took place inside the house, therefore, no offence under SC/ST Act is made out against the appellants, 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 learned VIth Additional District and Sessions Judge, Bihar Sharif, Nalanda, in connection with SC/ST P.S. Case No. 23 of 2023, 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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