

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4282 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District- Araria

-
1. Dilip Yadav @ Dilip Kumar Yadav S/O- Satto Yadav Village- Purbi Charaiya Ps- Bhargama Dist- Araria
 2. Nirmala Devi Wife Of Satto Yadav Village- Purbi Charaiya Ps- Bhargama Dist- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi wife of Rajdhar Paswan Village- Purbi Charaiya Ps- Bhargama Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar Rana
For the Respondent/s	:	Mr.Binay Krishna
For the Respondent no. 2	:	Mr. Dhirendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2024 Heard learned counsel for the appellants, respondent no. 2 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, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 11.05.2023, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 02 of 2023, registered under Sections 341, 323, 504, 506, 354B, 379/34 of the IPC and Sections 3(i) (r) (s)/ 3 (2) (va) of SC/ST Act.

3. Appellants along with other accused persons are said



to have assaulted the informant and her husband and abused her by taking caste name.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that occurrence took place on 13.04.2021 but FIR has been lodged on 19.01.2023 and there is no explanation for delay which creates serious doubt about the prosecution case. He submits that there is no public view or public place as such, no case under SC/ST Act is made out in this case. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the delay in filing the FIR, 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, Araria in connection with
Araria SC/ST P.S. Case No. 02 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

