

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4421 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- SC/ST District- Jehanabad

1. AJAY YADAV S/O LATE RAMASHISH YADAV Resident of village- Salempur, Damribigha, P.S.- Kinjar, District- Arwal.
2. SANJU YADAV S/O RAMBABU YADAV @ RABABU YADAV @ KARIMAN YADAV Resident of village- Bahadurpur, P.S.- Khirimore, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Prasad
For the Respondent/s	:	Mrs. Usha Kumari I
		Mr. Binayak Kumar Shrivastav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 24-01-2024 Heard learned counsel for the appellant, learned counsel for the 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 18.10.2022 passed by learned Additional Sessions Judge 1st cum Special Judge (SC/ST Act), Jehanabad, in connection with Arwal SC/ST P.S. Case No.17 of 2022, registered under Sections 147, 148, 149, 341, 323, 325, 307, 448, 427, 504, 506 and 395 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.

3. The prosecution case, is that the petitioners abused the informant and demanded Rs. 2 Lakh tax per year otherwise the accused persons will kill the informant's family members. It is also alleged that when the brother of the informant was going to pay the wages of laborers, the appellant no.1 assaulted him due to which he got injured.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this 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. It is submitted by learned counsel for the respondent no.2 that the appellant no.1 has suppressed his criminal antecedent, he has two criminal antecedent but it is not mentioned in para-3 of the



memo of appeal.

6. Having regard to the facts and circumstances of the case, as the appellant no.1 has suppressed his criminal antecedent, I am not inclined to enlarge the appellant no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, there is general and omnibus allegation against the appellant no.2, let the above named appellant no.2, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge (SC/ST Act), Jehanabad, in connection with Arwal SC/ST P.S. Case No.17 of 2022, 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 partly allowed.

(Anjani Kumar Sharan, J)

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