

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2044 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Banka

Gangadhar Yadav Son of Late Shiv Charan Yadav Resident of village- Kumar
Khand, P.S.- Amarpur, District- Banka.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Pandey
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 06.04.2019 passed by learned 1st Additional
Sessions Judge, Banka in connection with Mahila P.S. Case No.
08 of 2019 registered under Sections 376, 341, 323 & 504/34 of
the Indian Penal Code and Section 3(1) (r) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The son of the appellant, namely, Bhushan Kumar
Yadav is said to have committed rape against the minor daughter



of the informant and on filing the petition before the S.P. by the informant regarding the aforesaid occurrence appellant and his wife arriving at her house slated her in the name of her caste and shoved her on the ground.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be the father of the co-accused Bhushan Kumar Yadav. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Moreover the said occurrence is said to have taken place in the house of the informant and not in public view. Hence, no offence under SC/ST Act is made out against the appellant. Informant has not sustained any injury in the occurrence. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Additional Sessions Judge, Banka in connection with Banka Mahila P.S. Case No. 08 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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