

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3388 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- BARACHATTI District- Gaya

SUBHASH KUMAR @ SUBHASH YADAV Son of Shiv Kumar Santoshi @
Siya Yadav Resident of Village - Raundwa, P.S.- Barachatti (Mohanpur),
District- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-11-2019 Heard Mr. Arvind Kumar Singh, learned counsel

for the appellant and Ms. Usha Kumari 1, Spl. PP for the

State.

The appellant has challenged the order dated

06.07.2019 passed by the learned Exclusive Special

Judge, SC/ST, Gaya in A.B.P. No. 166 of 2019 arising

out of Barachatti (Mohanpur) P.S. Case No. 166 of

2018, whereby the prayer made on behalf of the

appellants for grant of anticipatory bail for the offences

under Sections 147, 149, 323, 354, 504 and 506 of the

Indian Penal Code and Sections 3 (i)(r)(s) of the SC/ST



Act has been rejected.

It appears that one Gayena Yadav tried to outrage the modesty of the daughter of the informant but she could somehow the other be saved. Later, the appellant along with others is said to have gone to the house of the informant to assault him.

Learned counsel for the appellant has drawn the attention of this Court to the fact that the appellant has been named as son of one Siya Yadav. There is no allegation against him of either having assaulted anyone of the members of the family of the informant or having abused them. Assuming but not admitting the entire accusation in the FIR to be true, it has been argued, none of the offences of the Indian Penal Code or of the SC/ST Act can at all be said to have been made out against the appellant.

It, therefore, appears that the appellant has been made accused in this case only because of his being of a particular caste and being associated with the



main accused person of this case.

Considering the aforesaid facts, the appeal is allowed. The order dated 06.07.2019 is set aside.

The appellant is directed to surrender before the court below within a period of three weeks, whereupon he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 166 of 2019 arising out of Barachatti (Mohanpur) P.S. Case No. 166 of 2018.

(Ashutosh Kumar, J)

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