

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1816 of 2020**

Arising Out of PS. Case No.-8 Year-2012 Thana- SC/ST District- Gaya

SURESH YADAV Son of Late Nanhak Yadav Resident of Village - Korma
Kali Asthan, P.S.- Belaganj, District - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 04-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Mrs. Usha Kumari, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 07.03.2020 passed by the Exclusive Special Judge, SC/ST, Gaya, in Anticipatory Bail Petition No. 66 of 2020 arising out of SC/ST P.S. Case No. 08 of 2012 registered under Sections 341, 323, 353, 384, 379 and 34 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989,



whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The case of the complainant, in brief, is that she is an Anganwari Sewika in village-Korma under Bazidpur Panchayat, Belaganj. It has been alleged by the complainant that after the latest panchayat election, the Mukhiya of the Panchayat, namely, Suresh Yadav i.e. the appellant herein, has been pressurizing her to pay extortion money.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having clean antecedent. The learned counsel for the appellant has further submitted that as far as the appellant herein is concerned, the Police has found the case to be untrue and has submitted final form twice. It is also submitted that a bare perusal of the records of this case would show that a general and omnibus allegation has been levelled against the appellant herein.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the materials on record, I find that a general and omnibus allegation



has been levelled against the appellant herein and moreover the Police, upon investigation, has also found the case to be untrue, hence I deem it fit and proper to direct for release of the appellant on anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 08 of 2012 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 07.03.2020 passed by the Exclusive Special Judge, SC/ST, Gaya, in Anticipatory Bail Petition No. 66 of 2020 arising out of SC/ST P.S. Case No. 08 of 2012 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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