

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1801 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- SC/ST District- Darbhanga

RAKESH YADAV Son of Satya Narayan Yadav Resident of Village-Barhi,
P.S.-Keoti, District-Darbhangha.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

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

3 04-01-2021 Heard the learned counsel for the appellant
and Sri Binay Krishna, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of anticipatory bail vide order dated 29.06.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act in anticipatory bail petition no. 733 of 2020, arising out of Darbhanga SC/ST PS case no. 14 of 2020 under Sections 323, 354(B), 504, 506 of Indian Penal Code and 3(1)(r), 3(1)(S), 3(2)(VA) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989.

The case of the prosecution in brief according to the informant is that in the night of 22.12.2019 at about 10 pm, the appellant had entered the house of the informant when she was sleeping alone and the appellant was also aware that her husband was not in the house, whereafter he had tried to commit misdeeds with her, however upon alarm being raised by the informant, her family members had arrived and then the appellant had fled away. It is further alleged that on the next day, when the informant had gone to the house of the accused persons to complain about the said occurrence, the accused persons including the appellant herein had not only abused her by taking her caste specific name but had also assaulted her.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the appellant, hence no case is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, a prima facie case is definitely made out against the appellant under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, hence I find that the present case is not a fit case for grant of anticipatory bail, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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