

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4303 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- TANKUPPA District- Gaya

RAMBALAK YADAV SON OF INDAR YADAV R/O VILLAGE- UTLI
BARA, P.S.- TANKUPPA, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumari Devi Wife of Bhagwan Das Resident of Village- Utli Bara, P.S.-
Tankuppa, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shailesh Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-04-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

This is an appeal under section 14(A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
2015 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 17.09.2021,
passed by learned Court of Exclusive Special Judge, SC/ST,
Gaya, in connection with Tankuppa P.S. Case No.09 of 2021,
registered under sections 341, 323, 354, 504, 506/34 of the IPC
and section 3(i)(r)(s) of the SC/ST (POA) Act.

The prosecution case in brief, is that the appellant tried to



outrage the modesty of the informant but on alarm, villagers reached there. Thereafter son of the appellant along with the appellant abused and assaulted the informant by saying that she is making false allegation against the appellant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to village party politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is submitted that in para-31 and 32 of the case diary, it has come that the independent witnesses have not supported the prosecution case. There happens to be a land dispute between the parties. No injury was found on the body of the informant. The appellant has one criminal antecedent and has been languishing in custody since 06.09.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the appellant is the main assailant in this case.

In the facts and circumstance of the case, since the independent witnesses have not supported the prosecution case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand)



with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge, SC/ST, Gaya, in connection with Tankuppa P.S. Case No.09 of 2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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