

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3235 of 2022

Arising Out of PS. Case No.-401 Year-2022 Thana- BODHGAYA District- Gaya

RAKESH YADAV S/o Krishana Yadav R/o Village- Beladih, P.S.- Cherki,
District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ruby Devi W/o Late Prem Manjhi R/o Village- Beladih, P.S.- Cherki,
District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellant and learned
Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 20.08.2022 in A.B.P. No. 189 of 2022 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Bodhgaya P.S. Case No. 401 of 2022 registered for the offences punishable under Sections 341, 323, 354B, 448, 504 and 34 of the Indian Penal Code as well as Sections 3(i)(r) (s)(w)(i) and Section 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that in the night the appellant came and started molesting her and on alarm fled.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that it is just not possible for any person including the appellant to enter the house and commit such occurrence, it is next submitted even allegation is of attempt, further the F.I.R does not even remotely suggest that on alarm the nearby people of the village gathered which further creates doubt with regard to veracity of the allegation, nor it is alleged that anyone saw the occurrence in the house even.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 20.08.2022 in A.B.P. No. 189 of 2022 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Bodhgaya P.S. Case No. 401 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bodhgaya P.S. Case No. 401 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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