

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4796 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- GAUNAHA District- West Champaran

SUNIL YADAV Son of Gokaran Yadav Resident of Village- Lachhanauta,
P.S.- Gaunaha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Prashant Kumar, Adv. Mr.Manaur Alam, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-05-2022 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 18.11.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Bettiah, West Champaran, in connection with Gaunaha P.S. Case No.177 of 2020,



registered under sections 147, 148, 380, 447, 323, 451, 504/34, 341, 143 of the IPC and section 3(i)(r)(s) of SC/ST Act.

The prosecution case in brief, is that in the absence of the informant, the accused persons entered into her house by breaking the door and carried away the paddy as well as cash. Thereafter, when the informant wanted to make query from the accused persons regarding the same, they abused her by taking caste name and gave threatening to not go anywhere.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is a delay of about ten months in lodging the present case and no plausible explanation for such delay has been given, which creates doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been languishing in custody since 01.10.2021 and has one criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by



submitting that the appellant is also involved in the occurrence.

In the facts and circumstance of the case, considering that there is no specific allegation against the appellant, 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 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Bettiah, West Champaran, in connection with Gaunaha P.S. Case No.177 of 2020.

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

(Anjani Kumar Sharan, J)

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