

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.651 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- MADHAURAH District- Saran

Bhisham Yadav @ Bisham Yadav Son of Late Ram Swarup Yadav R/V-
Patedhi Jalal, P.s- Marhowrah, Dist- Saran ... Appellant
Versus

1. The State of Bihar
2. Rajan Manjhi Son of Late Laxmi Manjhi R/V- Patedhi Jalal, P.S-
Marhowrah, Dist- Saran ... Respondents

Appearance :

For the Appellant/s	:	Mr.Ravi Prakash, Advocate
For the State	:	Mr.Binay Krishna, Spl. Public Prosecutor
for respondent no.2		Mr. RK Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-09-2023 Heard learned counsel for the appellant, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 29.6.2022, passed in a case registered for the offence punishable under sections 341,323,384,504, 506/34 of the IPC and sections 3(i)(r)(s)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, appellant and other accused persons threatened the informant to make viral photographs of his daughter and thus they extorted Rs.70,000/- from his daughter. When the informant side demanded to return the said money, co-accused Ritesh Yadav abused the informant by caste name and assaulted him.

4. Learned counsel for the appellant submits that there is no allegation of abuse by caste name, as such, no offence of SC/ST Act is made out against him. Petitioner has been made accused in this case only because he is brother of co-



accused Ritesh Yadav. happens to be brother of said co- accused Ritesh Kumar. No overt act has been alleged against this petitioner. Parties are co-villagers. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III cum Special SC/ST Act Court, Saran at Chapra in Marhowrah Police Station Case No. 169 of 2022.

(Prabhat Kumar Singh, J)

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