

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.684 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- KHODAWANDPUR District- Begusarai

RAMBABU YADAV S/O BISHUNDEV YADAV Resident of Village- Dhihi
Ward NO.- 3, P.S.- Khodawanpur, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. SONELAL PASWAN S/O DAMODAR PASWAN Resident of Village-
Gram Daulatpur, P.S.- Khodawanpur, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajnish Chandra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State assisted by learned

counsel for the respondent no.2.

This is an appeal under Section 14(a)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 22.12.2022 passed by learned Exclusive
Special Judge, SC/ST (P.O.A.) Act, Begusarai in connection
with Khodawanpur P.S. Case No. 2148/2022, registered under
Sections 341, 323, 307, 504 and 506/34 of the Indian Penal
Code, Section 138 of the N.I. Act and Section 3(2)(5) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The occurrence took place on 09.08.2022 but FIR lodged on 16.08.2022 after a delay of seven days and there is no any explanation of it which creates serious doubt about the prosecution case. There is case and counter case between the parties. There is allegation against the appellant of slating the informant in the specific name of his caste when the informant demanded his money. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 oppose the prayer for bail and submits that the appellant has not paid Rs.60,000/- to the informant which was due for the work the informant has done as a 'Rajmishtri'.

Considering the arguments of the parties and the fact that there is delay in filing of the present FIR which creates serious doubt about prosecution case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (P.O.A.) Act, Begusarai in connection with Khodawanpur P.S. Case No. 2148/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

