

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1196 of 2023**

Arising Out of PS. Case No.-506 Year-2022 Thana- BARH District- Patna

BAIJU KUMAR @ BAIJU YADAV SON OF LATE SURESH YADAV
RESIDENT OF VILLAGE- KAJICHAK, WARD NO. 24, PS- BARH,
DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SUKHANI DEVI D/O LAKASHMAN PASWAN RESIDENT OF
VILLAGE- KAJICHAK WARD NO. 23, PS- BARH, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Avinash
For the Respondent/s : Mr. Sadanand Paswan

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

3 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 19.04.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

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
23.01.2023 passed by learned Exclusive Special Court, SC/ST
Act, Patna in connection with Barh P.S. Case No.506 of 2022



registered under Sections 442, 504, 506 of the Indian Penal Code, section 27 of Arms Act and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he along with other co-accused persons abused the informant by taking her caste name. It is also alleged that the appellant threatened the informant and resorted to firing.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. Slating the informant/complainant in the name of caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has three criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case as there is a



delay in lodging of FIR and all the occurrence took place inside the house, 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 released 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 the learned Exclusive Special Court, SC/ST Act, Patna in connection with Barh P.S. Case No.506 of 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)

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