

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1384 of 2023**

Arising Out of PS. Case No.-566 Year-2022 Thana- FATEHPUR District- Gaya

ASHOK YADAV @ ASHOK KUMAR Son of Mundrika Yadav R/o Village -  
Ghutkuua, P.S.- Fatehpur, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Susila Devi Wife of Late Tuntun Manjhi Resident of Village - Baraghat,  
P.S.- Fatehpur, District - Gaya.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Sinha  
For the Respondent/s : Mr. Sadanand Paswan

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

4      04-10-2023      Heard learned counsel for the appellant and learned Special  
Public Prosecutor for the State.

2. Although this appeal has been listed under the heading 'For  
Orders (On Office Notes)' but with consent of parties, this  
appeal has been heard for final disposal at this stage itself.

3. Learned Special Public Prosecutor for the State has informed  
that in compliance of the order dated 05.07.2023, he has  
informed the informant but none is present on her behalf.

4. 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



13.02.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fathpur P.S. Case No. 566 of 2022 registered under Sections 341, 504 & 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Appellant along with other co-accused is said to have come at the informant's house at night and abused him by taking her caste name and also threatened to withdraw the case.

6. 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 learned lower Court has not mentioned any injury in the impugned order. Slating the informant in the name of caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Kaila Yadav @ Rampravesh Kumar has already been enlarged on anticipatory by a coordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Appeal (SJ) No.1964 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



7. Learned Spl. PP for the State opposed the prayer for bail.
8. In the facts and circumstances of the case, 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 Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.566 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.
9. Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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