

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1575 of 2023**

Arising Out of PS. Case No.-74 Year-2020 Thana- SAHJAHANPUR District- Patna

1. SHANKAR YADAV @ SHIV KUMAR Son of Manju Yadav
 2. Pitar Gope @ Pavitar Kumar Son of Chandu Gope
 3. Pravesh Yadav @ Ram Pravesh Yadav Son of Krishna Gope
 4. Mithlesh Yadav Son of Mathura Gope
- All 1 to 4 R/V- Chhotki Kewai, PS- Shahjahanpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pacho Devi @ Pato Devi Wife of Shivbalank Manrai R/V- Chhotaki Kewai,
P.S- Shahapur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajniti Prasad, Advocate
	:	Mr.Kameshwar Singh, Advocate
For the State	:	Mr.Usha Kumari 1,Spl.P.P.
For the respondent No.2	:	Mr. Arun Kumar No.1, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 06-10-2023 Heard Mr. Rajniti Prasad, learned counsel for the appellant, Mr. Arun Kumar No.1, learned counsel for respondent No.2 and Mr.Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.02.2023 in A.B.P. No.9723 of 2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Shahjahanpur P.S.Case No. 74 of 2020, Spl.



Case No.351 of 2020, F.I.R. dated 16.08.2020 registered under Sections 341,323,354(A),504,34 of the Indian Penal Code as well as under Sections 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the FIR, allegation has been made against the appellants that they have forcibly entered into the hut of the informant and abused her by saying her caste name and thereafter assaulted the informant and her son. Allegation has also been made that they always used to harass.

4. Learned counsel for the appellant submits that appellant No.1 carries three more cases and appellant No.4 carries one more case other than the present one. Appellant Nos. 2 and 3 have clean antecedent. They have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and no such occurrence had taken place and as per FIR the appellants have abused the informant and his family members. Further submits that from a bare perusal of the FIR it appears that the occurrence had taken place in the house of the informant so no case is made out under the SC/ST Act and after the occurrence both the parties have filed the compromise petition on 25.02.2023 and now the dispute between the parties have been settled.



5. The learned counsel for the informant, on the other hand, supports the contention of the appellants and submits that now the matter has been settled between the parties and they have filed the compromise petition before the concerned court.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Shahjahanpur P.S. Case No. 74 of 2020, Spl. Case No.351 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(II) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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