

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1703 of 2023**

Arising Out of PS. Case No.-793 Year-2021 Thana- BARACHATTI District- Gaya

Dashrath Yadav @ Dasrath Yadav S/O Late Dhanukli Yadav R/O Village-
Tetariya, P.S- Barachatti, Distt.- Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Munwa Devi W/O Arjun Bhuiyan R/O Village- Bhalua- Chatti, P.S-
Barachatti, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP

**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 view of the earlier order dated 19.04.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on her behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.01.2023, passed by learned Exclusive Special Judge (SC/ST), Gaya in connection with Barachatti P.S. Case No. 793 of 2021, registered under Sections 354B, 379, 341, 323, 504, 34 of the IPC and Sections



3(1) (W)(R)(S) of SC/ST Act.

The appellant along with other accused persons are said to have assaulted the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that the appellant is not named in the FIR and during course of investigation, he has been made accused in this case. He submits that the appellant is an old person aged about 70 years. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the 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 the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Barachatti P.S. Case No. 793 of 2021, subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

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