

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1951 of 2023

Arising Out of PS. Case No.-692 Year-2022 Thana- TEKARI District- Gaya

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1. RAJESH YADAV Son of Durga Yadav Resident of village - Dariyapur, P.S.- Tekari (Panchanpur), District - Gaya
 2. Ram Sevak Yadav Son of Durga Yadav Resident of village - Dariyapur, P.S.- Tekari (Panchanpur), District - Gaya
 3. Raushan Yadav Son of Ram Sevak Yadav Resident of village - Dariyapur, P.S.- Tekari (Panchanpur), District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaila Devi Wife of Dharam Manjhi Resident of village - Dariyapur, P.S.- Tekari (Panchanpur O.P.), District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nand Kishore Prasad Sinha, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Kumari Smita Soni, Adv.
		Mr.Deep Nishi, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-09-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21.03.2023, passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Tekari P.S. Case No.692 of 2022, registered u/s 307, 427, 436, 504, 506 and 34 of the IPC and



section 3(i)(r)(s), 3(2)(v) of the SC/ST Act.

3. As per F.I.R., the F.I.R. named accused persons including the appellants set fire in the house of the informant and prior to that, they are alleged to have threatened the informant to vacate the house and also they did abuse her by caste name.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants there is no specific overt act against the appellants to abuse the informant by taking caste name. There is an admitted dispute between the parties with regard to path encroachment and for that the Encroachment matter was passed in favour of the appellant no.1, thereafter, the present case was lodged by the informant against the appellants. In the entire case diary, there is no material against the appellants. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellants are also involved in the present occurrence.



6. Considering the facts and circumstances of the case, since there is no specific overt act against the appellants, let the appellants named above, in the event of their 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Gaya, in connection with Tekari P.S. Case No.692 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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