

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1966 of 2023

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

Binod Yadav @ Binod Kumar Son Of Mundrika Yadav Resident Of Village-
Ghutkua, Ps- Fatehpur, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shushila Devi Wife Of Late Tuntun Manjhi Resident Of Village- Baraghat,
Ps- Fatehpur, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 08-12-2023 Heard learned counsel for the appellant, 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
of the appellant vide order dated 17.03.2023 passed by the
learned Exclusive Special Judge SC/ST, Gaya in connection
with A.B.P. No. 84 of 2023 (arising out of Fatehpur P.S. Case
No. 566 of 2022) registered for the alleged offences under
Sections 341, 504, 506 and 344 of the Indian Penal Code and
Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. As per prosecution case, when the informant and her mother-in-law and *Nanad* returned to home from their work then the appellant along with other accused persons started by calling their caste name and pressurised to wash off the case otherwise they would face of dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and have been falsely implicated in this case. It is further submitted that there is general and omnibus allegation against the appellant. Learned counsel has further submitted that there is no allegation of hurling of caste related abuse at the informant and her in-laws by the appellant. It is further submitted that that as per the F.I.R., no member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. Learned counsel has further submitted that the F.I.R. has been lodged after a delay of 3 months for which there is no plausible explanation. The co-accused person has already granted anticipatory bail by the Coordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Appeal (SJ) No. 1964 of 2023. The appellant has one criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned



counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 17.03.2023 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with A.B.P. No. 84 of 2023 (arising out of Fatehpur P.S. Case No. 566 of 2022), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Gaya in connection with A.B.P. No. 84 of 2023 (arising out of Fatehpur P.S. Case No. 566 of 2022), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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