

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2691 of 2023**

Arising Out of PS. Case No.-186 Year-2023 Thana- MADANPUR District- Aurangabad

SHYAMNARAYAN YADAV @ SATYANARAYAN YADAV Son of Ramdev
Yadav R/o Village - Pema, P.S.-Madanpur, District - Aurangabad, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonam Devi Wife of Jitendra Paswan Resident of Village - Pema, P.S.-
Madanpur, District - Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

**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. Though the Vakalatnama has been filed on behalf of the
respondent no.2, but nobody appears on her behalf.

3. 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 19.04.2023 passed by learned Special Judge
(SC/ST)-cum-Additional District & Sessions Judge, Aurangabad
(Bihar) in connection with Madanpur P.S. Case No. 186 of 2023
registered under Sections 323, 341, 325, 504 of the Indian Penal



Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant is said to have abused the informant by taking her caste name and assaulted the informant's son causing injury on his left hand.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation of levelled against the appellant is totally false and based on concocted facts. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail and submits that appellant was involved in the present case.

7. In the facts and circumstances of the case, as there is no specific allegation of slating the informant by taking her caste name, 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 Special Judge (SC/ST)-cum-Additional District & Sessions Judge, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 186 of 2023, 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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