

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3230 of 2023**

Arising Out of PS. Case No.-123 Year-2022 Thana- PAUTHU District- Aurangabad

SANTOSH YADAV @ MANJHILA Son of Biteshar Yadav Resident of
Village-Igunahi, P.S.-Pauthu, District-Aurangabad (Bihar)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAVINDRA RAVIDASH Son of Late Suryadeo Ravidas Resident of
Village-Fesra, P.S.-Pauthu, District-Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aman Vishal, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, informant was
informed about his appearance in this appeal by the learned
Spl.P.P. for the State but nobody appears on his 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 for anticipatory bail vide order dated
23.06.2023, passed by learned 1st Additional District and
Sessions Judge-cum- Special Judge, SC/ST, Aurangabad, in
connection with Pauthu P.S. Case No.123 of 2022, registered



under sections 341, 323, 324, 325, 504, 34 of the IPC and sections 3(1)(r), 3(1)(s), 3(1)(g), 3(2)(va) of the SC/ST Act.

4. As per the F.I.R., informant alleged that co-accused Lav Yadav along with the appellant abused him by taking caste name and also assaulted him and threatened to kill.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant is not named in the F.I.R. and has been falsely implicated in the case with frivolous allegation. The co-accused Lav Kumar was apprehended and on his confessional statement, the name of appellant transpired in this case. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant by taking caste name. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and that there is no specific overt act against the appellant, let the appellant named above, 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Aurangabad, in connection with Pauthu P.S. Case No.123 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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