

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4427 of 2022**

Arising Out of PS. Case No.-220 Year-2022 Thana- SAUR BAZAR District- Saharsa

RINKESH YADAV SON OF SOCHEN YADAV R/O VILLAGE- SUHATH,
P.S.- SOUR BAZAR, DISTRICT- SAHARSA

... .. Appellant/s

Versus

1. The State of Bihar
2. AMERIKA DEVI WIFE OF BINOD SADA R/O VILLAGE- SUHAT
TOLA BUDHI MUSHARI, WARD NO.14, P.S.- SOUR BAZAR,
DISTRICT- SAHARSA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Shankar Shrivastava
For the Respondent/s	:	Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 04-04-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 25.11.2022 passed by the learned learned Additional Sessions Judge- 3rd Saharsa cum-Special Judge, SC/ST, Act arising out of Sour Bazar P.S. Case No. 220 of 2022, registered for the offences punishable under Sections 341, 307, 504, 506, 34 of the I.P.C., Section 27 of the Arms Act and Section 3 (2)(Va), 3(2)(V) of the S.C./S.T. Act.

As per allegation, the accused persons including the



appellant abused the informant America Devi by calling her caste name. There is also allegation of firing against him.

The learned counsel for the appellant has submitted that the entire allegation is false. There is allegation of firing but none has suffered injury and on similar footing co-accused Chhotu Kumar @ Chhotu Kumar Yadav @ Premsan Kumar has been granted bail in Cr. Appeal SJ. No. 2829 of 2022. The appellant is a person of clean antecedent.

On the other hand, the learned counsel for the Informant has opposed the prayer for bail and submitted that the appellant and other accused persons abused the informant by calling her caste name and also attempted to harm her.

Considering the above mentioned facts and circumstances, and clean antecedent of the petitioner and the fact that the other co-accused persons have been granted bail.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 25.11.2022 passed by the learned Additional Sessions Judge- 3rd Saharsa cum-Special Judge, SC/ST, Act is set aside.

Accordingly, the appellants above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge- 3rd Saharsa cum-
Special Judge, SC/ST, Act in connection with Sour Bazar P.S. Case
No. 220 of 2022

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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