

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.123 of 2023

Arising Out of PS. Case No.-765 Year-2022 Thana- SHERGHATI District- Gaya

=====

HARI YADAV Son of Sakhi Yadav R/V- Jhaur P.S- Sherghati Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Congres Manjhi Son of Late Bineshar Manjhi R/V- Jhaur Tola, Budhu Tand, P.S- Sherghati, Dist- Gaya

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Saxena
For the Respondent/s	:	Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.03.2023, the learned Spl.PP for the State informed the informant about the present case but nobody has entered appearance on his behalf.

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 18.11.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati P.S. Case No.765 of 2022, registered under Sections 341, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, is that the appellant who is ward member, took money from the informant for adding name in Pradhan Mantri Awas Yojana. It is stated that when money was sanctioned in the aforesaid Yojana in the name of informant's son, then the appellant started demanding Rs.20,000/- and on objection, the appellant abused them by taking caste name and also threatened them.

It is submitted by learned counsel for the appellant that 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 dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He submits that the informant/respondent no.2 has not disclosed in the FIR that on which date and place the alleged occurrence took place. There is no specific overt act against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

Considering the facts and circumstances of the case as



well as considering the nature of offence, I am not inclined to enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

This appeal is accordingly, dismissed.

However, if the appellant surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

