

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.553 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- SC/ST District- Madhubani

Sushil Kumar Yadav Son of Rameshwar Yadav Resident of Village- Uttar Ps
-Saharghat District -Madhubani

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anjali Devi, aged about 25 years, Female, Wife of Harendra Saday,
Resident of Village Uttra, P.S. Saharghat, Dist. Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar, Adv.
For the State	:	Ms. Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Ashok Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-06-2024 Learned counsel for the appellant prays for and is

allowed to make necessary correction in Para 12 of the instant

appeal.

2. Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

3. The instant appeal has been filed by the appellant

against the impugned order dated 20.12.2022 read with order

dated 09.01.2024 passed by learned Additional Sessions Judge,

1st Cum Special Judge, Madhubani whereby the prayer for bail

of the appellant in connection with G.R. No. 154 of 2023 arising

out of Madhubani SC/ST P.S. Case No. 75 of 2023 under



Sections 420, 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) (wi) / 3(2) (va) of the SC/ST (POA) Act, 1989, was rejected.

4. Prosecution case, in short, is that one year ago, the appellant had taken Rs. 50,000/- from the Informant. It is alleged that on 11.09.2023, when the respondent no.2 along with one Rani Devi went to the house of the appellant and asked for return of the same, then the appellant and his wife abused her in her caste names. They also assaulted brutally to the respondent no.2 and took out gold *Mangalsutra* worth Rs. 30,000/- from the neck of the respondent no.2. The appellant also assaulted the mother-in-law of the respondent no.2. .

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to dirty village party politics. He further submits that there is no evidence of taking money from the respondent no.2 and has falsely been implicated in this case taking the advantage of SC/ST Act. Both the parties are next door neighbours. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant



in public view. The appellant is in custody since 11.12.2023 and has no criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

7. At this stage, learned counsel for the appellant submits before this Court that the appellant is ready to pay Rs. 25,000/- to the respondent no.2 in her bank account.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also keeping in view the undertaking of the appellant to pay Rs. 25,000/- in the bank account of the respondent no.2, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order order dated 20.12.2022 read with order dated 09.01.2024 passed by learned Additional Sessions Judge, 1st Cum Special Judge, Madhubani is hereby set aside.

9. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.R. No. 154 of 2023 arising out of Madhubani SC/ST P.S. Case No. 75 of 2023, subject to the condition that the appellant shall pay Rs. 25,000/-



in the bank account of the respondent no.2 (details of which will be provided by the respondent no.2) within a period of two weeks from the date of release on bail, failing which the prosecution will be at liberty to move for cancellation of bail of the appellant.

(Rudra Prakash Mishra, J)

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