

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1082 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- SC/ST District- Gopalganj

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Brijesh Yadav @ Brajesh Yadav Son of Ramsurat Yadav Resident of Village-Konhwa, P.S.-Gopalganj, District-Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Ravindra Sah Resident of Village-Konhwa, P.S.-Gopalganj, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Dubey, Adv.
For the State	:	Ms. Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Naresh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

5 20-06-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the Resp. No.2.

2. The instant appeal has been filed by the appellant against the order dated 11.01.2024 passed by Additional Sessions Judge XIth Cum Exclusive Special Judge, Gopalganj whereby the prayer for bail of the appellant in connection with Gopalganj SC/ST P.S. Case No. 61 of 2023 under Sections 341, 323, 354(B), 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) (w)/3(2) (va) of the SC/ST (POA) Act was rejected.



3. As per prosecution case, the allegation against the named accused persons including the appellant is of abusing the Informant in her caste name, assaulting her with kick and slaps as also of slamming her as a result of which she became undressed. Thereafter, the accused Mukesh Yadav snatched her mobile whereas as Lalita Devi took her ear-rings and *Mangal Sutra*. It is also alleged that the appellant Brajesh Yadav used dirty comment on mobile phone for which she made complaint due to which the occurrence took place. It is also alleged the the appellant/Brajesh Yadav and Mukesh Yadav used to give threat to do away her life.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that all the offences are baiable except Section 354B of the I.P.C. and the Atrocities Act which are not made out against the petitioner. Both the parties are co-villagers and the appellant has been implicated in this case due to village politics. He further submits that the place of occurrence is the house of the Informant which does not



come within the purview of public place and, hence, no offence under Section SC/ST Act is made out. There is no specific or direct allegation against the appellant rather the same is general and omnibus in nature. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16.12.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Learned counsel for the respondent no.2 has filed counter affidavit stating therein that the appellant is a man of bad character who always tried to outrage the modesty of the Informant and established illicit relation with her because she resides lonely in her house.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the order dated 11.01.2024 passed by Additional Sessions Judge XIth Cum Exclusive Special Judge, Gopalganj is hereby set aside.



7. 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 Gopalganj SC/ST P.S. Case No. 61 of 2023.

(Rudra Prakash Mishra, J)

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