

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1043 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Gaya

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MANOJ KUMAR SON OF RAM JATAN YADAV R/O-REBDA, P.S.-
DHANGAI, DISTT.-GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RADHA DEVI WIFE OF KHADERAN TURI R/O-HAHESADHI, P.S.-
DHANGAI, DISTT.-GAYA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 23.01.2024 passed in a case registered for the offence
punishable under Sections 384, 385 and 34 of the Indian Penal
Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.



4. As per prosecution case, it is alleged that the informant and two other named women were being extorted by this appellant since 20.04.2022 to 30.05.2023. It is alleged that the informant and others were allotted houses under the Pradhan Mantri Awas Yojna and this appellant abused her by caste name and demanded *rangdari* of Rs. 15,000/-. It is further alleged that earlier also this appellant took Rs. 25,000/- by extortion and was further asking more money.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant has been falsely implicated in this case only because on the application filed by him under R.T.I. Act, B.D.O., Barachatti, issued notice to 16 beneficiaries, including the informant, for taking the benefit of the Pradhan Mantri Awas Yojna twice by committing fraud. After receiving the said notice, which is Annexure-P/2 to this application, and on being annoyed with the same, this false and concocted case has been lodged. It is not case of the informant that any member of public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State



has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 23.01.2024 passed by the Court of learned Special Judge, SC/ST, Gaya, in connection with A.B.P. No. 14 of 2024 arising out of SC/ST P.S. Case No. 31 of 2023 is hereby set aside with respect to these appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya, in connection with A.B.P. No. 14 of 2024 arising out of SC/ST P.S. Case No. 31 of 2023.

(Prabhat Kumar Singh, J)

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