

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1304 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- SHERGHATI District- Gaya

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Pankaj Kumar Son Of Chalitar Yadav Resident Of Village - Dumari, P.S. -
Cherki, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinky Devi Wife Of Gurudev Chaudhary Resident Of Village - Bajaura,
Shivratipur, P.S. - Dobhi, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P. Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2024 Heard learned counsel for the appellant, learned

Spl. Public Prosecutor appearing on behalf of the State and

learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated
06.02.2024 passed by learned Exclusive Special Judge, SC/ST
Court, Gaya in connection with A.B.P. No. 28 of 2024 arising
out of Sherghatti P.S. Case No. 596 of 2023, registered under
Sections 341, 323, 406, 420 of the Indian Penal Code and
Sections 3(1)(r)(s)(w) and 3(2)(v-a) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.

3. As per the F.I.R., this appellant and other named



accused persons assaulted and abused informant by caste name and also threatened her with dire consequences. It is further alleged that the accused persons also tried to outrage the modesty of informant.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Further submission is that from perusal of F.I.R., it is apparent that there is admitted land dispute between the parties. Insertion of title by both parties led to alleged occurrence. The recital of F.I.R. does not disclose that any alleged abuse by caste name and assault took place within the public view, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application and submit that appellant is named in the First Information Report and there is specific allegation of assault and abuse against this appellant.

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, let the appellant, as named above, in the event of their arrest/surrender within a period of six weeks from today,



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 Exclusive Special Judge, SC/ST Court, Gaya in connection with A.B.P. No. 28 of 2024 arising out of Sherghatti P.S. Case No. 596 of 2023.

7. Accordingly, the impugned order dated 06.02.2024 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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