

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1204 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- WAJIRGANJ District- Gaya

Bhola Yadav son of Baudh Yadav Village- Amaitha Ps- Tankuppa Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Manjhi son of Tetar Manjhi Village- Amaitha Ps- Wazirganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Braj Nandan Kumar Tiwary, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.
		Mr. Arvind Kumar Singh, Adv.
		Mr. Mukul Jee, Adv.

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 Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 20 of 2024 arising out of Wazirganj P.S. Case No. 08 of 2024, registered under Sections 341, 323, 324, 354(B), 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. On the alleged date and time of occurrence, this



appellant assaulted and abused informant by caste name, as a result of which, he sustained injury.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to village politics. Further submission is that the F.I.R. has been lodged after an inordinate delay of 26 days, for which there is no plausible explanation, which itself creates doubt over the veracity of the prosecution case. F.I.R. does not disclose that alleged occurrence as well as the caste related utterances 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 Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 20 of 2024 arising out of Wazirganj P.S. Case No. 08 of 2024.

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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