

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1737 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- FATEHPUR District- Gaya

Tameshwar Yadav @ Taneshwar Yadav @ Temesjwar Yadav S/O Baleshwar
Yadav Resident Of Village- Gani Pipra, P.S.- Fatehpur, District- Gaya.

... .. Appellant/S

Versus

1. The State Of Bihar
2. Shankar Manjhi S/O Late Videshi Manjhi Resident Of Village- Gani Pipra,
P.S.- Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-05-2024 1. Heard learned counsel for the appellant and learned
Special P.P. Mr. Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 01.08.2022 in A.B.P. No. 170 of 2022 passed by the
learned Exclusive Special Judge SC/ST (POA), Act Gaya in
connection with Fatehpur P.S. Case No. 60 of 2022 registered
under Sections 147, 341, 323, 504, 506, 379 and 34 of the
Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST
(POA) Act.



3. Learned counsel for the appellant submits that twice notices were issued and from perusal of the office report dated 29.04.2024, it would manifest that the same records that respondent no.2 was not met at his given address, so, the notice was hung on the door. Since the notice was hung on the door of the respondent no.2, as such, it is deemed to have been validly served. The learned counsel next submits that the appellant has been falsely implicated in the present case by the informant. It is further submitted that the injury found on the victim is simple in nature and no specific overt act is alleged against the appellant, further the informant alleges that the appellant hurled abuse but then from perusal of the F.I.R., it would manifest that the occurrence was not witnessed by any independent witness. It is also submitted that similarly situated co-accused Dhirendra Kumar @ Dhirendra Yadav and Dinesh Yadav have been granted the privilege of anticipatory bail by order dated 19.07.2023 in Cr. Appeal (SJ) No.995/2023 passed by a learned co-ordinate Bench.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellant.

5. Considering the submission of the learned counsel for the appellant, let the appellant, above named, in the event of



his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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