

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2725 of 2023

Arising Out of PS. Case No.-706 Year-2022 Thana- MANER District- Patna

SANTOSH YADAV Son of Late Bhagwan Das Yadav @ Bhagwan Das Ray
Resident of village - Mahinawa Bagicha, P.S. - Maner, Distt. - Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Vishwakarma Paswan Son of Kalyan Paswan Resident of village - Mahinawa Bagicha, P.s. - Maner, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Jha, Adv.
For the Informant	:	Mr. Arvind Prasad Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-03-2024 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 23.02.2023 passed by the learned Exclusive Special Court, SC/ST (POA) Act, Patna in A.B.P. No. 259 of 2023, S.N. 321 of 2022 arising out of Maner P.S. Case No. 706 of 2022 dated 02.10.2022 registered for the offence/s punishable u/ss 341, 323, 325, 504 and 506 read with section 34 of the Indian Penal Code and sections 3(r)(s) of the SC/ST



(POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have come to the house of the informant and assaulted him with lathi, danda and iron rod and abused him by calling his caste name and threatened to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, the alleged offence took place at 2:00 AM and no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



23.02.2023 passed by the learned Exclusive Special Court, SC/ST (POA) Act, Patna in A.B.P. No. 259 of 2023, S.N. 321 of 2022 arising out of Maner P.S. Case No. 706 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his/her arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST (POA) Act, Patna in A.B.P. No. 259 of 2023, S.N. 321 of 2022 arising out of Maner P.S. Case No. 706 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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