

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2898 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- SINGHWARA District- Darbhanga

MADAN YADAV S/o- LATE RAM ASHISH YADAV Village- Atarbel Ps-
Singhwara Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMRAJEE PASWAN S/o- LATE LAKHO PASWAN Village- Atarbel
Ram Chaura Ps- Singhwara Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Though vakalatnama is
filed on behalf of the respondent no.2 but despite repeated calls,
nobody appears on his behalf today.

2. This is an appeal under section 14(A) 2 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
23.03.2023, passed by learned 3rd Additional Sessions Judge-
cum- Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in
connection with Singhwara P.S. Case No.14 of 2023, registered
under sections 341/323/379/448/504/506/34 of the IPC and



sections 3(i)(r)/3(1)(s)/3(1)(g) of the SC/ST Act.

3. As per the prosecution case, the appellant along with other co-accused persons entered into the house of the informant and took mobile and money and abused by taking caste name.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has taken place in the house of the informant and not in the public view. There is no specific overt act against the appellant to abuse the informant by taking caste name. There is an admitted land dispute between the parties. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, since the occurrence of abusing the informant is not alleged to have taken place in public view, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be



released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum- Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in connection with Singhwara P.S. Case No.14 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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