

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2981 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- FATEHPUR District- Gaya

SANTOSH YADAV @ SANTOSH KUMAR Son of Rajendra Yadav @
Rajendra Prasad Resident of Village - Bairiya Tand, P.S.- Sirdalla, District -
Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manti Devi Wife of Surendra Manjhi Resident of Village - Baktauriya, P.S.-
Fatehpur, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar No2
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Though, the notice has validly been served upon
the respondent no. 2, nobody appeared on behalf of respondent
no. 2.

3. 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 of anticipatory bail
vide order dated 18.05.2023 passed by learned Exclusive
Special Judge SC/ST Act Special Court, Gaya, in connection
with Fatehpur P.S. Case No. 336 of 2022 registered under



Sections 341, 323, 504, 506, 376/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(ii)(v) of the SC/ST Act.

4. The prosecution case, in brief, is that when the informant namely Manti Devi was grazing her animals, the FIR named accused persons came and abused her by taking caste name and also assaulted her.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is no specific overt act against the appellant and the appellant is only the member of mob. He further submits that there is specific allegation against co-accused Antosh Yadav @ Sitan Yadav, who has been granted anticipatory bail by this Court vide order dated 22.03.2023 passed in Cr. Appeal (SJ) No. 4244 of 2022. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for bail.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant, in the event of his



arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act Special Court, Gaya, in connection with Fatehpur P.S. Case No. 336 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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