

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3774 of 2021**

Arising Out of PS. Case No.-215 Year-2021 Thana- BELHAR District- Banka

Madan Yadav Son of Binod Yadav Resident of Village- Kurava, P.S.- Belhar,
District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghubir Das S/O Sonelal Das R/O Village- Kuraba, P.S- Belhar, Distt.-
Banka.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhananjay Kumar Pandey, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P. Mr. Pankaj Kumar Sinha, Adv.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 09-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 16.08.2021 passed by Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka in connection with A.B.P. No. 769 of 2021 arising out of Belhar P.S. Case No. 215 of 2021, registered under Sections 341, 323, 504, 379, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that appellant brutally assaulted the informant and abused him. It is further alleged that appellant



also took Rs. 5,000/- from the pocket of the informant and threatened him with dire consequences.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to land dispute. There is general and omnibus allegation against him. Further submission is that though there is allegation of assault by bamboo on the head of the informant but no injury report is on the record to corroborate the same. There is no allegation of abuse by the caste name, as such, no offence under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka in connection with A.B.P. No. 769 of 2021 arising out of Belhar P.S. Case No. 215 of 2021.



7. Accordingly, the impugned order dated 16.08.2021
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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