

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2636 of 2022

Arising Out of PS. Case No.-295 Year-2022 Thana- FATEHPUR District- Gaya

PINTU KUMAR @ PINTU YADAV Son of Babulal Yadav Resident of village - Gurpa, Police Station- Fatehpur, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Malo Devi Wife of Bijali Bhuiya Resident of village - Gurpa, P.O.- Gurpa, Police Station- Fatehpur, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 13.07.2022, passed in a case registered for the offence punishable under Sections 341, 323, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 21.05.2022 at about 4 PM, all the F.I.R. named accused persons entered house of one Gorelal and abused him by caste name and also torn dress of the informant. It is alleged that this appellant used to



support co-accused Ramlal Manjhi.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that this appellant is not alleged to have participated in the occurrence. There is no allegation of abuse by caste name against this appellant and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 13.07.2022 passed by the Court of learned Exclusive Special Judge, SC/ST, Gaya, in connection with A.B.P. No. 154 of 2022 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Fatehpur P.S. Case No. 295 of 2022.

(Prabhat Kumar Singh, J)

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