

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4110 of 2023

Arising Out of PS. Case No.-452 Year-2023 Thana- KAHALGAON District- Bhagalpur

Lalu Yadav @ Lalu Kumar S/O Gajadhar Yadav @ Ganju Yadav R/O Village-
Lalapur Bhader, Ps. Kahalgaon, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. SHOBHA DEVI W/O ARUN DAS R/O VILLAGE- LALAPUR BHADER,
PS. KAHALGAON, DIST. BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Viveka Nand Vivek

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 24-04-2024 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 31.07.2023 passed by the learned Additional Sessions Judge-III cum Special Judge (SC/ST Act), Bhagalpur in connection with Kahalgaon P.S. Case No. 452 of 2023, registered for the alleged offences under Sections 354A, 354C, 504, 506/34 of the Indian Penal Code, Section 66 (C) of the I.T. Act and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant is alleged to



have allured the informant with an intention of marriage and she came under his influence and took jewellery and cash of Rs. 20,000/- from her house and fled with him. It is further alleged that the appellant has physically tortured the informant for 10 days and threatened to viral her video on social media. It is further alleged that the appellant has demanded Rs. 2,00,000/- from the informant and abused him by calling her caste name.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has two criminal antecedent in which he is on bail as stated in para 3 of the appeal. There is case and counter case between both the parties. The victim in her statement recorded u/s 164 Cr.P.C. has stated that she voluntarily left her house and went to her friends place as she had dispute with her husband. It is further submitted that no case is made out against the appellant. Earlier also, a case has also been filed against the petitioner which was compromised between the parties.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the



case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 31.07.2023 passed by the learned Additional Sessions Judge-III cum Special Judge (SC/ST Act), Bhagalpur in connection with Kahalgaon P.S. Case No. 452 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ 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 court of learned Additional Sessions Judge-III cum Special Judge (SC/ST Act), Bhagalpur in connection with Kahalgaon P.S. Case No. 452 of 2023 subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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