

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4707 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- FATUA District- Patna

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YUGAL ROY @ YUGAL YADAV SON OF LATE KRISHNA ROY R/O
VILLAGE- JAGANPURA, P.S.- RAMKRISHNA NAGAR, DISTRICT-
PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RINA DEVI WIFE OF RAVINDRA MANJHI R/O VILLAGE-
MOHIUDDINPUR, BIGAHA PAR, P.S.- FATUHA, DISTRICT- PATNA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Shambhu Sharan, Advocate
For the State	:	Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-09-2024

Re: I.A. No. 1 of 2024:-

This interlocutory application has been filed for
condoning the delay of 25-26 days in preferring the present
appeal.

2. For the reasons mentioned in this interlocutory
application, I am satisfied that the appellant was prevented from
sufficient cause in preferring this appeal within time.

3. Accordingly, this interlocutory application is
allowed and the delay in filing this appeal is hereby condoned.

Re: Cr. Appeal (SJ) No. 4707 of 2023:-

4. Heard learned counsels for the parties.



5. This appeal has been filed for setting aside order dated 16.06.2023, passed in a case registered for the offence punishable under Sections 341, 323, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail to this appellant has been rejected.

6. As per the prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons, including this appellant, in intoxicated condition, abused the informant by caste name and also assaulted her, her daughter as well as her daughter-in-law by means of *lathi* and *danda*.

7. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. There is no injury report on record to support the allegations of assault. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellant claims clean antecedents.

8. On the other hand, learned S.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant



of bail to this appellant.

9. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 16.06.2023 passed by the Court of learned Exclusive Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Patna, in connection with A.B.P. No. 2290 of 2023 is hereby set aside with respect to this appellant only.

10. 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 Act, Patna, in connection with Fatuha P.S. Case No. 509 of 2022.

(Prabhat Kumar Singh, J)

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