

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5050 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- BAKHTIYARPUR District- Patna

Vikash Kumar Yadav @ Vikash Yadav Son Of Shivjee Yadav Resident Of
Village -MADHOPUR, Police Station- Bakhtiarpur, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Kumar Son Of Devendra Ravidas Resident Of Village
-KARNAUTI, Police Station- Bakhtiarpur, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Mr. Manoj Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 29.09.2023 passed by learned Exclusive Special Court, SC/ST, Patna in connection with Bakhtiarpur P.S. Case No. 323 of 2023, registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Allegation against the appellant and other accused persons is that they tried to assault informant and abused him by taking his caste name and they also threatened to kill informant.



4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. There is no allegation of assault against appellant and F.I.R. is silent about who, being member of the public, was present when the incident occurred, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

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

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court, SC/ST, Patna in connection with Bakhtiarpur P.S. Case No. 323 of 2023.

7. Accordingly, the impugned order dated 29.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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