

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5130 of 2023**

Arising Out of PS. Case No.-302 Year-2023 Thana- PARAIYA District- Gaya

JITENDRA KUMAR @ BHUNDA YADAV @ JITENDRA YADAV S/O
SUKHENDRA YADAV VILLAGE- SONBARSA, PS. PARIYA, DIST.
GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. GYANTI DEVI W/O LATE SHAMBHU DEVI VILLAGE- SONBARSA, PS.
PARIYA, DIST. GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Asgher Najmi
For the Respondent/s : Mr. Sadanand Paswan

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

5 11-07-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. This appeal has been filed for setting aside order dated 03.10.2023 passed by the Court of learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya in a case wherein cognizance has been taken for the offence punishable under sections 323/341/457/504 of the Indian Penal Code and Section 3(i)(r)(s) 3(2) (va) 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 prosecution case, on the alleged date and



time of occurrence, appellant entered into the house of the informant in drunken condition and abused her by caste name and also misbehaved with the daughters of the informant.

4. It is submitted by learned counsel appearing on behalf of the appellant submits that both the parties are close neighbours and for a petty dispute wordy altercations took place. Taking advantage of the situation this false and concocted case has been filed. It is further submitted that it is not the case of the prosecution that there was any member of public at the time of incidence, hence, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents. Appellant claims clean antecedent.

5. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 03.10.2023 passed by the learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya, in A.B.P. No. 325/2023, arising out of Paraiya P.S. Case No. 302/2023 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 the learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya, in connection with A.B.P. No. 325/2023, arising out of Paraiya P.S. Case No. 302/2023.

(Prabhat Kumar Singh, J)

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