

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5433 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- KALYANPUR District- East Champaran

BRIJ KISHOR YADAV @ BRAJ KISHOR RAI SON OF TEJ NARAYAN
YADAV RESIDENT OF VILLAGE - YAMUNAPUR PASCHIM TOLA, P.S.
- KALYANPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDAWATI DEVI WIFE OF RABINDRA PASWAN RESIDENT OF
VILLAGE - SISHWA KHARAR, P.S. - KALYANPUR, DISTRICT - EAST
CHAMPARAN, MOTIHARI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P
		Mr. Mukul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 18-07-2024 Heard learned counsel for the appellant, the State
and respondent no.2.

2. This appeal has been filed for setting aside order dated 10.10.2023 passed in a case registered for the offence punishable under sections 323, 379, 406, 506 of the IPC and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, informant had given Rs. 50,000/- to the appellant for supply of furniture but the appellant supplied furniture worth Rs. 8000/- only and when



informant went to the house of the accused person demanding the balance amount, she was abused by caste name. Appellant assaulted her and snatched jewelry worth Rs. 20,000/-.

4. Learned counsel appearing for the appellant submits that as a matter of fact, appellant never took money from the informant for supply of furniture. From perusal of the FIR it appears there is commercial dispute between the parties for which criminal case has been lodged to pressurize the appellant. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. 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 Court of Special Judge, SC/ST Act, Champaran, Motihari in



connection with Kalyanpur Police Station Case No. 309 of
2023.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

