

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5533 of 2023

Arising Out of PS. Case No.-85 Year-2021 Thana- FATEHPUR District- Gaya

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DILIP YADAV SON OF SHIVNANDAN YADAV @ BHOLI YADAV R/O
VILLAGE- PANTI, P.S.- FATEHPUR, DIST.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. FULL KUMARI WIFE OF SUSHIL DAS R/O VILLAGE- PANTI,
PANCHAYAT BANSA PIPRA, P.S.- FATEHPUR, DIST.- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Deep Anshuman, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellant, learned counsel

for the respondent no.2 and learned Special Public Prosecutor

for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities)

Amendment Act 2015 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail

vide order dated 16.10.2023 passed by learned Court of

Exclusive Special Judge, SC/ST, Special Court, Gaya, in

connection with Fatehpur P.S. Case No.85 of 2021, registered

under Sections 341, 323, 504, 506, 448 of the Indian Penal Code

and Section 3(i)(s), 3(2)(v-a) of the SC/ST Act.



3. As per the F.I.R., allegation against the appellant is that he came at the house of the informant and abused and threatened to assault. He used to damage the crops and abuse by taking caste name.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place and the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case with ulterior motive. Slating the informant/complainant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is no eye witness to the alleged occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Judge, SC/ST, Special Court, Gaya, in connection with
Fatehpur P.S. Case No.85 of 2021, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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