

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.40 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- BARACHATTI District- Gaya

Ramotar Yadav Son of Late Bhola Yadav Resident of village - Suraundha
P.S.- Barachatti District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rekha Devi Wife of Late Krishna Manjhi Resident of vill. - Sonwarsa P.S.-
Barachatti, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Murad Ashraf

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 02-05-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
23.11.2023 passed by the learned Exclusive Special Judge, SC
& ST, Gaya in connection with Barachatti P.S. Case No. 462 of
2023, registered for the offence/s punishable u/ss 323, 341, 354,
504, 506, 34 of the Indian Penal Code and Section 3(1) (r)(s) of
the SC/ST Act.



3. As per the prosecution case, the appellant is alleged have tried to outrage the molesting of the informant. Upon objected, the informant's daughter and son came to rescue then the appellant threatened them to kill setting them on fire and also abused them by calling her caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has four criminal antecedent out of which he is on bail on two cases as stated at para 3 of the bail petition. There is a delay of 19 days in lodging the F.I.R. and there is no plausible explanation for the same. The appellant is in custody since 23.10.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



23.11.2023 passed by the learned Exclusive Special Judge, SC & ST, Gaya in connection with Barachatti P.S. Case No. 462 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC & ST, Gaya in connection with Barachatti P.S. Case No. 462 of 2023.

(Chandra Prakash Singh, J)

Ranjeet/-

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