

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5694 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Rohtas

Kalika Yadav Son Of Ghamandi Yadav Village -Alampur , PS- Sheosagar ,
(Baddi , O.P). , Dist.- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalti Devi Wife Of Ganga Ram Village -Alampur , PS- Sheosagar , Baddi ,
O.P. , Dist.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Rajani Kant Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For Respondent no. 2	:	N O N E

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2024 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite valid service of notice,

nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
30.11.2023 passed by learned A.D.J.-XVII-cum-Exclusive
Special Judge SC/ST, Rohtas at Sasaram in connection with
SC/ST P.S. Case No. 50 of 2023, registered under Sections 147,
148, 149, 341, 323, 354(B), 504, 506 of the Indian Penal Code
and Sections 3(1)(w), 3(2)(va) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act (for short
“SC/ST Act”), whereby the prayer for anticipatory bail of



appellant has been rejected.

3. It is alleged that on 23.07.2023, while the informant and her husband were ploughing the field, all the F.I.R. named accused persons including this appellant came there and abused by caste name, forbade them from ploughing the said field and on protest by husband of informant, the accused persons assaulted him. It is further alleged that when informant tried to save her husband, she was also abused and disrobed by accused persons.

4. Learned counsel for the appellant submits that from bare perusal of F.I.R., it is apparent that there is land dispute between the parties and this false case has been lodged only with a view to put pressure upon the appellant and others to settle the civil dispute. Rest of the allegations are ornamental in order to make the case grave. It is not the case of the informant that any member of the public was present when the incident occurred, and as such, no offence under the SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal, filed for grant of anticipatory bail to the appellant.

6. However, considering the aforesaid facts and



circumstances of the case as well as rival submissions advanced on behalf of the parties, the impugned order dated 30.11.2023 is, hereby, set aside and this criminal appeal is allowed.

7. 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 learned A.D.J.-XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with SC/ST P.S. Case No. 50 of 2023.

(Prabhat Kumar Singh, J)

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