

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.17 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Dinesh Kumar Yadav @ Dinesh Kumar Son of Raman Yadav @ Raman Prasad Yadav R/O village - Bhaurwar, P.S. - M.U. (Magadh University), District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Devi W/O Ranjit Kumar Manjhi R/O village - Bhaurwar, P.S. - M.U. (Magadh University), District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pratik, Advocate
For the Respondents	:	Mr. Sadanand Paswan, Spl. PP
		Mr. Satish Kumar Sinha, Advocate
		Mr. Ashok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

5 25-04-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 02.12.2023 passed by learned Exclusive Special Judge SC / ST (POA) Act, Gaya in M.U. (Magadh University) P.S. Case No. 323 of 2023 registered under Sections 341, 323, 354(A), 379, 504 and 506 / 34 of the IPC and Sections 3(2)(v-a) of SC/ST (POA) Act.

3. As per the prosecution story, on 16.09.2023 at about 9 PM accused persons including the appellant entered



forcibly into the house of the victim/informant and attempted to commit rape upon the informant and also caused her daughter nude and recorded video clip of her daughter, they assaulted and plundered households of the informant and other houses of lower caste community threatening of dire consequences.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 05.11.2023.

5. On perusal of the FIR, case diary and impugned order dated 02.12.2023, it appears that allegation against the appellant and other co-accused is of assault and committing rape and recording of nude video clip of victim/informant. On perusal of the case diary in para 18 conclusion of investigation report, it appears that no video clip presented before the investigating officer or no clue found by investigating officer for nude video and there is case and counter case between the parties.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.



7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated 02.12.2023 passed by learned Exclusive Special Judge SC / ST (POA) Act, Gaya is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/ concerned Court in connection with M.U. (Magadh University) P.S. Case No. 323 of 2023.

(Ramesh Chand Malviya, J)

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