

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.495 of 2024

Arising Out of PS. Case No.-910 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Vishwajit Yadav @ Vishwajit Kumar S/o- Dudhnath Yadav @ Dudhnath
Singh Village- Dhankadha PS- Darigawan Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Madhuri Devi wife of Mithilesh Baitha Village- Tara Chandi New Basti Ps-
Darigawan Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Babu Nandan Prasad, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Rakesh Kr. Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-07-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 02.01.2024 passed in a case registered for the offence punishable under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant, namely Madhuri Devi, alleged that on 24.09.2023, this appellant entered



into her shop and took photographs of her minor daughter and threatened to make it viral. It is further alleged that on protest, he abused her by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As per F.I.R., the alleged incident took place on 24.09.2023 and the present F.I.R. has been lodged after inordinate delay of 11 days of the occurrence on 05.10.2023 which itself makes the entire prosecution case doubtful. As a matter of fact, no such occurrence alleged in the F.I.R. took place. Both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, delay in lodging of the F.I.R. and general and omnibus



nature of accusation, this appeal is allowed and the impugned order dated 02.01.2024 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 910 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, 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 learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 910 of 2023.

(Prabhat Kumar Singh, J)

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