

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1003 of 2025

Arising Out of PS. Case No.-489 Year-2022 Thana- FATEHPUR District- Gaya

Mukesh Yadav @ Mukesh Kumar S/o-Late Basudev Yadav Resident of
Village- Kurumdih PS- Bodhgaya, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhan Manjhi S/o- Late Locha Manjhi Village- Gizoi KHurd PS- Fatehpur
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Usha Kumari 1, Spl.P.P.
For respondent no.2	:	Mr. Sanjay Kr. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned Spl.
Public Prosecutor appearing on behalf of the State and learned
counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated
05.02.2025 passed by learned Exclusive Special Judge, SC/ST
Act, Gaya in connection with A.B.P. No. 19 of 2025 arising out
of Fatehpur P.S. Case No. 489 of 2022, registered under
Sections 341, 323, 504 and 506/34 of the Indian Penal Code and
Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.

3. On the alleged date and time of occurrence, this



appellant along with others assaulted and abused the informant by caste name, as a result of which, the informant sustained injury. Appellant is alleged to have snatched Rs.1000/- from informant's pocket.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to personal grudge. Further submission is that the date of occurrence is 24.04.2022 but the F.I.R. has been lodged on 10.08.2022 i.e. after an inordinate delay of more than three months for which there is no plausible explanation, which itself creates doubt over the veracity of the prosecution case. There is general and omnibus allegation against the appellant. No injury was found on the person of informant as alleged. F.I.R. does not disclose that alleged occurrence as well as the caste related utterances took place within the public view, as such, no offence under SC/ST Act is made out. Appellant has one criminal antecedent which is of Excise Act. Appellant undertakes to cooperate in the investigation and the trial. There is no chance of absconding of the appellant or tampering with the evidence.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail



application and submit that appellant is named in the First Information Report and there is specific allegation of assault, abuse and snatching of money against this appellant.

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, 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-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 19 of 2025 arising out of Fatehpur P.S. Case No. 489 of 2022.

7. Accordingly, the impugned order dated 05.02.2025 is set aside and this criminal appeal is allowed.

(Sunil Dutta Mishra, J)

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