

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2610 of 2023**

Arising Out of PS. Case No.-544 Year-2022 Thana- CHANDAUTI District- Gaya

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Sintu Yadav @ Sintu Kumar, Son of Jitendra Yadav Resident of Village- Sona Bigha, P.S.- Chandauti, Distt- Gaya.

... .. Appellant/S

Versus

1. The State Of Bihar.
2. Pushpa Kumari Wife Of Nikil Paswan Resident Of Village- Sona Bigha, P.S.- Chandauti, Distt- Gaya.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Manisha Prakash, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
ORAL ORDER

4      14-02-2025                      Heard learned counsel for the appellant and learned  
  
Special P.P. for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 27.04.2023 passed by the learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 120/2023 in connection with Chandauti P.S. Case No. 544/2022 registered under Sections 341, 323, 354(B), 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) (xi), 3(2) (v-a) of SC/ST (POA) Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice validly served upon respondent no. 2 but failed to join the present proceedings.

5. Allegation as available against petitioner that he alongwith other co-accused persons/family members, where one of the co-accused was his father made an attempt to commit rape upon the informant while she was going to attend the call of nature on 30.11.2012 at about 7:00 PM.

6. Learned counsel appearing for the appellant submitted that the allegation appears *prima facie* false in itself and also improbable in Indian Social Context as this petitioner alongwith his brothers and father being co-accused made an attempt to commit rape upon the informant. It is submitted that out of local political differences and neighbourhood dispute, the present false implication was raised. It is also pointed out that the allegation against appellant is very much general and omnibus. It is also pointed out that nothing appears from the face of FIR, which may suggest that occurrence took place as informant belongs to



scheduled caste community and, therefore, no *prima facie* case under SC/ST Act appears made out. There is no allegation of abuse in caste name in public view. While concluding the argument, it is submitted that the appellant is a man of clean antecedent.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

8. Mr. Sadanand Paswan, learned Special P.P. while opposing the prayer of bail submitted that allegation *qua* attempt to commit rape upon the informant is also available against this appellant, however, he could not disputed the factual submission as advanced by learned counsel appearing on behalf of the appellant.

9. In view of aforesaid factual submissions and by taking note of the fact that the occurrence not appears *prima facie* took place for the reason that the informant belongs to scheduled caste community and as also the allegation *qua*



making an attempt to commit rape upon the informant appears very much general and omnibus, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya/concerned Court, where the case is pending in connection with in A.B.P. No. 120/2023 in connection with Chandauti P.S. Case No. 544/2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, impugned order dated 27.04.2023 as passed through A.B.P. No. 120/2023 is hereby set/quashed.

11. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

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