

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2517 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- KURTHA District- Jehanabad

Bali Yadav son of Kallu Yadav Village- Radhepur Tola Purenderpur PS
-Kurtha, (Manikpur op) Dist- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHAJANI DEVI WIFE OF NANHE CHOUDHARY VILLAGE-
RADHEPURA, PS- KURTHA (MANIKPUR OP) DIST- ARWAL

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Nawal Kishor Prasad, Advocate Mr. Ashok Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-09-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 02.05.2024 passed in a case registered for the offence
punishable under Sections 323, 308, 354B, 376 and 511 of the
Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.

4. The prosecution case, in brief, is that on 31.12.2023



at about 5 AM, when the informant was going to attend nature's call, in the meantime, this appellant caught her and tried to commit rape. It is further alleged that on *halla* raised by the informant, this appellant threatened her with dire consequences, abused her by caste name and fled away.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, the informant had taken Rs. 5,000/- from the appellant as loan for opening a shop with a promise to return the same within one month and when the appellant asked for the money, this false and concocted case has been lodged only with a view to keep the money. Doctor has opined the injuries sustained by the informant as simple in nature. 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. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, nature of injuries sustained by the injured and clean



antecedents of the appellant, this appeal is allowed and the impugned order dated 02.05.2024 passed by the learned A.D.J.-I-cum-Special Judge, SC/ST Act, Jehanabad in connection with A.B.P. No. 354 of 2024 arising out of Kurtha P.S. Case No. 480 of 2023 is hereby set aside with respect to this appellant only.

8. 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.-I-cum-Special Judge, SC/ST Act, Jehanabad in connection with Kurtha P.S. Case No. 480 of 2023.

(Prabhat Kumar Singh, J)

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