

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2558 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- MADHEPURA District- Madhepura

Chhotelal Yadav @ Chhote Lal Yadav, Son of Late Tanuk Yadav, R/O Vill.- Chitti (Chiti), Ward no. 03, P.S.- Madhepura (Ghailarh O.P.), Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sita Devi, Wife of Mithlesh Ram, R/O Vill.- Chitti (Chiti), Ward no. 04, P.S.- Madhepura (Ghailarh O.P.), Dist.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pawan Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.04.2024 passed by the learned Additional Sessions Judge 1st -cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 128 of 2024 registered for the offences punishable under Sections 341, 323, 324, 354(B), 379, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(j) of the SC/ST (POA)



Act.

3. The case of the prosecution, in short, is that the appellant has taken away the silver locket and threatened the respondent.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. He has committed no offence. It has further been submitted that from perusal of the F.I.R., it is clear that the occurrence is of 07.01.2024 and the case was registered on 11.02.2024. It has also been submitted that there is delay which is unexplained and moreover, only allegation against the appellant is that he has taken the silver locket of the respondent which is ornamental in nature. The appellant is having no criminal antecedent.

5. Learned Spl. P.P. has conceded to the argument of learned counsel for the appellant that there is unexplained delay in filing the case.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 26.04.2024 passed by the learned Additional Sessions Judge 1st -cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 128 of 2024 is hereby set aside and the appellant above-named, in the event of his arrest or



surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 128 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Ashok Kumar Pandey, J)

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