

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2572 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- FATEHPUR District- Gaya

Shambhu Yadav @ Shambhu Kumar Yadav, Son of Shivnandan Yadav, R/O
Vill.- Deothika, P.S.- Fatehpur, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Srikant Manjhi, Son of Late Prabhu Manjhi, R/O Vill.- Bhawari Kala, Tola-
Deothika, Post- Hematpur, P.S.- Fatehpur, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Despite the notice having been validly served, no
one appears on behalf of the Respondent No. 2.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for
anticipatory bail vide order dated 21.03.2024 passed by the
learned Exclusive Special Judge, SC/ST, Gaya in A.B.A. No. 92
of 2024 in connection with Fatehpur P.S. Case No. 435 of 2023
registered for the offence/s punishable under Sections 341, 323,
354, 379, 34 of the I.P.C and under Section 3(i)(r)(s) of the
SC/ST (POA) Act.



4. As per the prosecution case, the informant has alleged that around 7-8 persons came on bike and they attempted rape on the sister of the informant and thereafter assaulted both the informant and her sister. It is alleged that the accused persons caught hold of the informant and used criminal force, however, on hulla being raised, they managed to flee away.

5. Learned counsel for the appellant has submitted that there are general and omnibus allegations against all. It has been submitted that from mere perusal of the FIR, it would be evident that no ingredients of the Section 3(i)(r)(s) of the SC/ST Act is being made out. It has been submitted that no injury report has been brought on record and the incident as alleged had not occurred at all and it is on account of a land dispute that the appellant has been falsely implicated in this case. It has been submitted that the appellant has clean antecedent.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 21.03.2024 passed by the learned Exclusive Special Judge,



SC/ST, Gaya in A.B.A. No. 92 of 2024 in connection with Fatehpur P.S. Case No. 435 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Considering the aforesaid submission, facts and circumstances of the case, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Fatehpur P.S. Case No. 435 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or



any witness connected with the case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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