

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3023 of 2024

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

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1. Manish Kumar Son of Sitaram Yadav R/O Vill- Sindugarh, Tola- Dhelwa Tand, P.S.- Mohanpur, Dist.- Gaya
 2. Raju Yadav @ Raju Laljeet Yadav Son of Laljeet Yadav R/O Vill.- Pateya, P.S.- Fatehpur, Dist.- Gaya

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Sharma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-02-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 03.04.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No. 110/2024 arising out of Fatehpur P.S. Case No. 435/2023 dated 16.06.2023 registered for the offences punishable under Sections 341, 323, 354 and 379 read with section 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.



3. As per the prosecution case, 7 to 8 miscreants came on their motorcycles and tried to commit rape on the informant's sister Chhatho Devi. When the informant went to rescue, he was assaulted by the accused persons. Thereafter, three miscreants caught hold of the informant and other accused persons assaulted and slammed the informant's sister on the ground due to which she became unconscious. When we called the villagers, all the miscreants started running away but one miscreant was caught on a bike. Further, it is alleged that they ran away with informant's sister silver coin, silver anklet and mobile.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. The appellants are not named in the F.I.R. The name of the appellants have sprung up during the course of investigation. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.



6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 03.04.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No. 110/2024 arising out of Fatehpur P.S. Case No. 435/2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No. 110/2024 arising out of Fatehpur P.S. Case No. 435/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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