

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4187 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- BANMANKHI District- Purnia

Nirmal Kumar Yadav @ Nirmal Yadav Son of Late Gorelal Yadav R/o vill -
Devottar, ward no. 12, P.S. - Banmankhi, Distt. - Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandaki Devi wife of Sanjeev Kr. Paswan Resident of Koshi Sharan,
Devottar, ward no- 08, P.S-Banmankhi, District-Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Mallick, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.P.P.
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite filing *Vakalatnama*, nobody

appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated

17.08.2023 passed by learned Special Court, SC/ST Act, Purnea

in a case registered under Sections 341, 323, 342, 448, 504,

506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the

SC/ST Act, whereby the prayer for anticipatory bail of appellant

has been rejected.

3. As per prosecution case, on 07.06.2023 at about

4:00 AM, this appellant came at the door of informant and

started knocking the door and thereafter, entered in the house



and started abusing and assaulting husband of informant and when informant went to save her husband, she was also abused by caste name and appellant also snatched silver locket from the neck of informant.

4. Learned counsel for the appellant submits that both parties are co-villagers and over a trivial issue, quarrel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Injury, allegedly sustained by husband of informant, is simple in nature. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 17.08.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released 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 Additional Sessions Judge-cum-Special
Court, SC/ST Act, Purnea in connection with Banmankhi P.S.
Case No. 265 of 2023.

(Prabhat Kumar Singh, J)

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