

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4323 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- RAFIGANJ District- Aurangabad

Bigan Yadav Son of Late Jaldhari Yadav Resident of Vilalge- Gordiha, P.S.-
Rafiganj, Distt.- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Yogendra Das Son of Rajdeo Das Resident of Village- Gordiha, P.S.-
Rafiganj, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Soni Kumari

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, however, none turned up

on behalf of the O.P. No. 2 despite the notice has validly been

served.

2. 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 bail vide
order dated 28.08.2024 passed by the learned 1st Addl. District
and Sessions Judge, Aurangabad (Bihar) in B.P. No. 636 of 2024
arising out of Rafiganj P.S. Case No. 294 of 2024 dated
08.07.2024 registered for the offence/s punishable u/ss 352,
351(2), 126(2), 118(1), 115(2), 109(1), 3(5) of the B.N.S. and



sections 3(i)(r)(s) /3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have threatened the complainant and his family members and the appellant assaulted the complainant's father with Tangi on his head, leg, waist and ear causing severe injuries. It is further alleged that they also used to threaten the appellant and his family members of assaulting.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that the injury is stated to be simple in nature. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 09.07.2024.

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

6. 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 28.08.2024 passed by the learned 1st Addl. District and Sessions Judge, Aurangabad (Bihar) in B.P. No. 636 of 2024 arising out of Rafiganj P.S. Case No. 294 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned learned 1st Addl. District and Sessions Judge, Aurangabad (Bihar) in B.P. No. 636 of 2024 arising out of Rafiganj P.S. Case No. 294 of 2024.

(Chandra Prakash Singh, J)

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