

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4897 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- MADHAURAH District- Saran

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Guddu Singh S/O Ashok Singh R/O Village- Nathua, P.S- Madhaura (Gaura O.P), Distt.- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Binod Kumar Manjhi R/O Village- Nethua, P.S- Madhaura (Gaura O.P), Distt.- Saran At Chapra.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr.Udai Shankar Singh
For the State	:	Mr.Binay Krishna
For Respondent-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 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 05.09.2023 passed by learned Exclusive Special Judge, SC/ST Act, Saran (Chapra) in a case registered under Sections 341, 323, 379, 427, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant and two co-accused has been rejected.

3. As per prosecution case, on 18.04.2023, the



daughter of informant was locked in the school by all the accused persons named in the FIR including this appellant and thereafter, she was assaulted and abused by caste name. It is further alleged that when informant went to school to inquire the matter, she was also abused by caste name and accused persons also snatched cash from informant's house and damaged some house-hold articles.

4. Learned counsel for the appellant submits that as a matter of fact, on 18.04.2023, husband of informant at 9:00 AM went to said school and demanded extortion money of Rs. 50,000/- from the Head-mistress and on refusal, he abused her and also assaulted son of Headmistress, for which, an F.I.R., vide Madhaura (Gaura O.P.) P.S. Case No. 210 of 2023 has been lodged (Annexure – 2) and in retaliation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. 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 05.09.2023, so far as this appellant is concerned, 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 Exclusive Special Judge, SC/ST Act, Saran (Chapra) in connection with Madhaura (Gaura O.P.) P.S. Case No. 212 of 2023.

(Prabhat Kumar Singh, J)

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