

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5272 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- MOHANPUR District- Gaya

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KAILU YADAV @ KALLU YADAV S/O LATE KARAN YADAV R/o vill -
Itahari, P.S. - Mohanpur, Distt.- Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Munni Devi W/o Ravi Paswan R/o vill - Itahari, P.S. - Mohanpur, Distt.-
Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Yadav
For the Resp No. 2	:	Mr. Arvind Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

05 15-05-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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, 1989 against the rejection of prayer for bail vide
order dated 12.09.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya in B.P. No. 2871 of 2024 arising
out of Mohanpur P.S. Case No. 125 of 2024 dated 14.06.2024
registered for the offence/s punishable u/ss 341, 323, 379, 504,
506 read with section 34 of the Indian Penal Code and sections
3(1)(r), 3 (1) (s)/ 3 (1) (w) (i) / 3(2) (v) of the SC/ST (POA)



Act.

3. As per the prosecution case, earlier six miscreants are alleged to have committed rape on the informant's minor daughter for which a case was lodged. It is further alleged that the appellant and the co-accused persons approached the informant and threatened to withdraw the earlier case lodged by the informant and they also assaulted her and her family members with lathi, danda, pistol and abused by taking her caste name and also threatened of dire consequences.

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. It is further submitted that no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is a delay of five days in the lodging the FIR. There is general and omnibus allegation against the appellant. It is further submitted that for the same offence, two different FIR's have been registered by the informant, i.e. Mohanpur P.S. Case No. 83 of 2024 and Mohanpur P.S. Case No. 152 of 2024. The appellant has one criminal antecedent as stated in para 3 of the bail



petition. The appellant is in custody since 18.08.2024.

5. Learned counsel for the respondent no. 2 as well as 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 12.09.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 2871 of 2024 arising out of Mohanpur P.S. Case No. 125 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 Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 2871 of 2024 arising out of Mohanpur P.S. Case No. 125 of 2024.

(Chandra Prakash Singh, J)

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