

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1551 of 2024

Arising Out of PS. Case No.-860 Year-2023 Thana- BARACHATTI District- Gaya

Sanjay Yadav S/o Ayodhya Yadav R/o vill - Gartakhund tola, P.S. - Barachatti
(Mohanpur), Distt - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushalya Devi W/o Shankar Manjhi R/o vill - Mohanpur Tola, Nutan Bigha, P.s. - Mohanpur, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwa Ranjan Choudhary
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 23-02-2026 1. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.
2. No one appears for the opposite party no. 2.
3. An order, dated 10.01.2024, passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in ABP No. 449 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Barachatti (Mohanpur) Police Station Case No. 860 of 2023 registered for the offence punishable under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3 (1)(r)(s) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

4. As per the prosecution case, on 27.08.2023, the appellant, along with other accused persons, were planning to kill three persons. It has further been alleged that appellant wanted to establish illicit relationship with the informant and when objected, he abused the informant by her caste name. The husband of the informant was also assaulted and further allegation is that the father-in-law of the informant was kidnapped by the appellant on 06.09.2023.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to village rivalry. The statement of informant's father-in-law was recorded under section 164 of the Cr.P.C. in which he has flatly denied the allegation of his kidnapping and has also not supported the prosecution story. There is no allegation that the appellant called the informant by her caste name in full public view. The appellant has no criminal antecedent.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the statement of the father-in-law of the informant recorded under Section 164 of the Cr.P.C. and the fact that the caste name was not taken in the full



public view, I am inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 10.01.2024, passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in ABP No. 449 of 2023, is set aside.

8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Special Court, Gaya, in connection with Barachatti (Mohanpur) Police Station Case No. 860 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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