

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4194 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SHANKARPUR District- Madhepura

RINKU YADAV @ JAY KRISHNA YADAV @ JAYKRISHNA KUMAR
S/O NAND KISHORE YADAV VILLAGE PARSA WARD NO 07. PS
SHANKARPUR DISTRICT MADHEPURA TOWN

... .. Appellant/s

Versus

1. The State of Bihar
2. RANI DEVI WIFE OF MAHENDRA RAM VILLAGE PARSA WARD NO 07. PS SHANKARPUR DISTRICT MADHEPURA TOWN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kumari Rashmi
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 24-03-2026 1. Heard learned counsel for the appellant and learned Spl. P.P. for the State.
2. No one appears on behalf of the informant.
3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 17.08.2023 in A.B.P. No. 1160 of 2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Shankarpur P.S. Case No. 90 of 2023 registered for the offences punishable under Sections 341, 323, 354(B), 380, 504,



506 and 34 of the Indian Penal Code as well as Sections 3 and 4 of the SC/ST Act.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that she had gone to attend call of nature when wife of Rinku started abusing, on objection, Rinku assaulted her by lathi and tore her saree, but she fled and came back home, where accused persons and Rinku along with Nand Kishore dragged her to the courtyard and dashed her on the ground and assaulted by fist, leg and danda till she became unconscious.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 16.01.2022 and a complaint case came to be instituted ten months thereafter on 11.11.2022 and based on which the instant FIR came to be instituted on 01.06.2023, as such, it is submitted that delay in instituting the complaint case itself casts an aspersion on the case of the prosecution. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence of assault is alleged in the house of the informant, thus, was not in public view.

6. Learned Spl. P.P. for the State opposes the



appeal.

7. In view of the submissions made by the learned counsel for the appellant and also taking into consideration the fact that a complaint case was instituted after delay of 10 months. the order dated 17.08.2023 in A.B.P. No. 1160 of 2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Shankarpur P.S. Case No. 90 of 2023, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shankarpur P.S. Case No. 90 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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