

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4443 of 2023

Arising Out of PS. Case No.-558 Year-2021 Thana- BARACHATTI District- Gaya

Mantu Yadav Son Of Sri Hoolas Yadav Resident Of Village - Bandegarh, P.S.
- Mohanpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Mandal Son Of Dewan Mandal Resident Of Village - Bandegarh,
P.S. - Mohanpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Veer, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-03-2026 None appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
17.07.2023 passed by learned Exclusive Special Judge, SC/ST
Special Court, Gaya in ABP No. 231 of 2023 arising out of
Barachatti (Mohanpur) P.S. Case No. 558 of 2021 registered
under Sections 304/34 of the Indian Penal Code and Section
3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, whereby the prayer for anticipatory bail of
appellant has been rejected.

4. It is alleged that this appellant along with other



F.I.R. named accused persons abused informant by caste name and erected electric wire in the field as a result of which, son and nephew of the informant died due to electrocution.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, appellant has falsely been implicated in this case due to pre-existing land dispute. Death of the son and nephew of informant was accidental and appellant has got no concern with alleged offence. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation and clean antecedent, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Special Court, Gaya in ABP No. 231 of 2023 arising out of Barachatti (Mohanpur) P.S. Case No. 558 of 2021.



8. Accordingly, this criminal appeal is allowed and impugned order dated 17.07.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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