

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2071 of 2017

Arising Out of PS.Case No. -251 Year- 2003 Thana -LAKHISARAI District- LAKHISARAI

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Mahesh Yadav, S/o Bisho Yadav, resident of Village- Lakhochak, Police
Station- Chanan, District- Lakhisarai.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Amrendra Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-12-2017

Heard learned counsel for the parties.

This is an appeal under Sections 14 (2)A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST Cases in connection with Lakhisarai P.S.Case No. 251 of 2003 registered under Sections 341,354,379 of the Indian Penal Code as well as under Sections 3/4 of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant was Prakhand Pramukh and the informant was Up Pramukh. It further appears that the appellant was removed from the post and the informant was given charge thereof. When the informant was sitting in the chamber of Pramukh in her own capacity,



the appellant alongwith some others entered thereat and started abusing to the informant taking her caste name and also asked as to how she would be sitting on the chair of the appellant. Thereafter allegation is of commission of assault and theft also.

After investigation, the police submitted final form on 30.12.2003, vide Annexure-2, stating therein that the allegation is totally false due to political rivalry between two. However, after 12 years of submission of final form, on 18.12.2015, the learned Chief Judicial Magistrate, Lakhisarai has taken cognizance in the case.

Learned counsel for the appellant submits that due to political rivalry, malicious prosecution was launched and if such type of allegations would be allowed to be levelled it would be difficult for anyone in the public life to deal with the unwarranted and uncalled for situation.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out. Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned court below where the case is pending in connection with Lakhisarai P.S.Case No. 251 of 2003, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

Nitesh/-

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