

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1319 of 2018

Arising Out of PS.Case No. -11 Year- 2003 Thana -CHANDAUTI District- GAYA

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1. Dr. Vinod Kumar Yadavendu son of Late Ramkishun Yadav Resident of Mohalla Jail Road Laxminagar, P.S. Rampur, District - Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinu Kumar, Adv
: Mr. Arvind Kumar Sharma, Adv
For the Respondent/s : Smt. Usha Kumari No.-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Chandauti P.S.Case No. 11 of 2003 registered under Sections 323,504 of the Indian Penal Code as well as under Sections 3(i), X of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant, who was local M.L.A., created obstruction in discharge of official duty by the informant and others. The informant and others were distributing blanket under Govt. Scheme to the needy people. At the same time, the appellant raised objection on the authority of



Mukhiya to do that and subsequent allegation is of manhandle and abuse.

Learned counsel for the appellant submits that the police submitted report under Section 173 Cr.P.C. on 13.11.2013 with specific finding that only non-cognizable case under Sections 323 and 504 of the Indian Penal Code is made out. However, the learned Special Judge by order dated 19.12.2017 has taken cognizance against the appellant for offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act also. Further submission is that when two views are possible for the purpose of consideration of pre-arrest bail, the view favouring the appellant should be preferred.

Considering the entire facts, let the appellant, above named, who has got no criminal antecedent, 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 the aforesaid case, 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.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	16.05.2018

