

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3451 of 2018

Arising Out of PS. Case No.-30 Year-2018 Thana- KHAJANCHI HAT District- Purnea

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1. Indra Nand Yadav, S/o Late Ramkishun Yadav,
 2. Bhanu Yadav @ Banu Kumar S/o Indra Nand Yadav, Both R/o Vill.- Madhubani Kali Mandir, P.S.- K. Hat, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Bidhu Ranjan, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 20.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in A.B.P. No.35 of 2018, arising out of K. Hat (Madhubani) Police Station Case No.30 of 2018, registered under Sections 147/148/149/341/342/ 323/324 /307/406 / 420/504/506 of the Indian Penal Code and Section 3(i)(G)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Appellant Indra Nand Yadav is Principal of R.K.K. College, Purnea, and another appellant is son of appellant No.1. When the informant and others asked the Principal as to why he charged Rs.2300/- (Two thousand and three hundred only) for registration and examination fee for B.A. Part-I students whereas it should have been charged Rs.750 (Seven hundred and fifty only), on that the appellants abused by taking caste name and they committed assault and theft.

Submission is that land dispute is going on between one Dukahan and others V. Indra Nand Yadav and others vide Bihar Land Dispute Resolution Case No.17 of 17-18 and the informant is supporter of the petitioner of that case and just to pressurize the false case has been lodged. The appellants have got no criminal antecedent.

Considering the background of allegation, the chances of mala fide prosecution cannot be ruled out for the purpose of consideration of this anticipatory bail, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each



with two sureties of the like amount each to the satisfaction of the 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 appellants 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 appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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