

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.357 of 2018

Arising Out of PS.Case No. -92 Year- 2017 Thana -TANKUPPA District- GAYA

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1. Pramod Yadav,
 2. Manoj Yadav @ Manoj Prasad,
 3. Vinod Yadav, all Appellant no. 1 to 3 are Sons of Chandar Yadav,
 4. Sinku Devi @ Sinku Wife of Vinod Yadav, all appellant no. 1 to 4 are
resident of Village- Fudi (Salempura), Police Station- Tankuppa,
District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

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

For the Informant : Mr. Ajay Kumar Sinha, Adv.

For the Respondent/s : Smt Usha Kumari No-1, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-04-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge, S.C./S.T., Gaya in Tankuppa P.S. Case No. 92 of 2017 registered under Sections 147, 148, 341, 323, 325, 354B, 504 of the Indian Penal Code as well as Section 3(1)(r)(w) of the SC/ST Act.

Allegation is that the appellants started abusing the informant by taking caste name on the ground that how the informant dared to plough and sow crops in the field on which the



informant had shown. During course of hearing of this appeal, the appellants failed to show nor any material has come in the case diary that the appellants had bona fide claim over the said land. Therefore, it is a clear case of atrocity.

However, submission is that entire family member has been implicated in this case. Appellant no. 4 Sinku Devi is wife of appellant no. 3 Vinod Yadav.

Considering the fact that appellant no. 4 Sinku Devi @ Sinku is a female, let the appellant no. 4, above named, in the event of her 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/- (rupees twenty thousand) 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 appellant no. 4 shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant no. 4.

Other appellants shall surrender and pray for regular bail within a period of two weeks from today. The



impugned order requires no interference in the matter of appellants
Pramod Yadav, Manoj Yadav @ Manoj Prasad and Vinod Yadav.

Accordingly, this appeal is partly allowed and
partly dismissed.

(Birendra Kumar, J)

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