

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.282 of 2020**

Arising Out of PS. Case No.-25 Year-2019 Thana- CHANDAN District- Banka

RABINDRA YADAV @ RABINDRA KUMAR Son of Mahendra Yadav
Resident of Village - Pesraha, P.S.- Suiya, District – Banka.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant : Mr. Brij Nandad Prasad, Advocate.
For the State : Mr. Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 23-01-2020

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, is
directed against the order dated 16.12.2019 passed in A.B.P.
No.1761 of 2019, whereby and whereunder the Additional
Sessions Judge-I-cum-Special Judge (SC/ST), Banka, rejected
the prayer of the appellant to grant the privilege of pre-arrest
bail in connection with Chandan (Anandpur O.P.) P.S. Case
No.25 of 2019 registered under Sections 341, 323 and 354/34 of
the Indian Penal Code besides Sections 3(1)(r)(s)(w) of the
SC/ST Act.

The prosecution case, in brief, is that on 02.03.2019,



when the informant was going to her house from the school alone, in the way, Pankaj Yadav, the son of the brother-in-law of her neighbour Naresh Yadav along with one boy [named as Rabindra Yadav (appellant)], borne on motorcycle, came from behind and stopped her and with a bad intention, caught hold of her hand. When the informant raised alarm, they slapped her. When the nearby people started coming there, then they fled away from there giving threatening.

Learned counsel for the appellant submits that, in fact, Kundan Paswan, the brother of the informant, is the classmate of the appellant and due to some dispute, hot exchange of words had taken place in between them. Thereafter, Kundan Paswan got managed the informant to lodge the present case. Further submission is that the similarly situated co-accused Pankaj Kumar alias Pankaj Yadav has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 08.11.2019 passed in Criminal Appeal (SJ) No.4725 of 2019

Having considered the facts and the circumstances of the case, the impugned order dated 16.12.2019 is set aside and this appeal is allowed.

Let the appellant, above named, in the event of arrest



or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge (SC/ST), Banka, in connection with Chandan P.S. Case No.25 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020.
Transmission Date	23.01.2020.

