

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.387 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- KHAGARIA District- Khagaria

PANKAJ YADAV, S/o Sudheer Yadav, Resident of Village- Nanhaku Mandal
Tola, P.S.- Muffalil, Distt- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajit Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 (hereinafter in short referred to as the 'S.C./S.T. Act'), against the refusal of prayer for bail vide order dated 20.12.2019 passed by the learned 1st Additional Sessions Judge Special



Judge cum Special Judge, Khagaria, vide Special Case No. 58 of 2019 arising out of Khagaria (Muffasil) P.S. Case No. 148/2019 registered under Sections 341, 323, 354 of the Indian Penal Code and Sections 3 (XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case in brief is that the informant has been lodged an FIR stating therein that daughter of the informant was harnessing grass on 03.03.2019 in the evening in another side of N.H.-31 and accused misbehaved with her and when opposed she was assaulted. Her dress was torn on hulla villagers reached at the P.O. and accused fled away. Daughter was senseless there then she was medically treated and FIR was lodged.

Learned counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. The appellant has falsely been implicated in this case. He further submits that occurrence took place on 03.03.2019 and FIR was lodged on 07.03.2019 and there is no explanation regarding delay of filing the present case. In FIR, it appears that the appellant has not abused by calling the cast name. Therefore, Section 3 (XI) SC/ST Act is not made out against him. The appellant has no criminal antecedent.



Learned Special P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event or his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Special Judge SC/ST Act, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 148/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

