

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1239 of 2020

Arising Out of PS. Case No.-386 Year-2019 Thana- GAURICHAK District- Patna

ARVIND KUMAR @ BAKULI YADAV Son of Hari Prasad @ Hari Prasad Singh Resident of Village-Ajimchak (Azimchak), P.S-Gaurichak (Fatehpur), District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Md. Humayu Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-06-2020 This case has been heard through video-conferencing.

Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Sections 14 (A) (2) of the
Scheduled Caste and Scheduled Tribes (Prevention of Atrocities
Act, 1989 against the refusal of prayer for bail vide order dated
23.01.2020 by the learned Additional District and Sessions Judge-
8th cum Special Judge (S.C./S.T. Act), Patna, in connection
Gaurichak P.S. Case No. 386 of 2019 vide Special Case No. 460 of
2019 registered under Sections
147/148/149/341/323/379/385/427/504/506 of the Indian Penal
Code and Sections 3 (i)(r) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case is that the informant alleging therein
that on 14.09.2019 at about 4.00 am, he noticed in the light of
torch that eleven ladies and four male persons were damaging the



eastern boundary of the said school with Hammer, Kudal and Khanti. On the other side one person said Arvind “Ye Saala Kaun Hai”. At this juncture “Arvind asked that his owner has not paid the full amount of Rangdari, you keep-mum otherwise to dire the consequence of murder. In the meantime, three and four persons caught him. One of the accused persons put revolver to his temporal region of the body, due to which he became afraid and shouted. On hearing, the sound of shouting, the cook of the said school named Lalu Paswan came outside. Thereafter, these accused persons asked him you Dusaad would compete with him. The accused persons while abusing him in caste line also slapped him. The accused persons including ladies and gents conjointly put the revolver to his temporal region of his body and the accused persons took away to the informant and Lalu Paswan, inside the school boundary and the accused persons named Arvind and two unknown persons to whom they have claimed to identify snatched Rs.55,000- which were paid to the informant and Lalu Paswan to pay the labour charge, took away on the point of the revolver. One lady was also stating that Puja and Renu asked to the informant and Lalu Paswan to pay 10,000/- to the owner of school (informant) and Lalu Paswan, otherwise, they will implicate him in the false case of rape by her torn Saree and Blouse. The lady was also stating that you Kanchan, be assured as they had



successfully taken the Rangdari amount of Rs. 50,000/-. In same manner, they would become successful to take the rest amount of Rangdari Rs. 10,000/- After completion of their work within one and half hours, the accused persons run away easily towards eastern side while threatening and abusing them. One of the accused persons, while addressing the name of Anilwa said that you were earlier stating that none was residing here in the premises of school. All of sudden Lalu Paswan how and when came. The accused persons were also abusing in caste line by uttering the word the Dusaad and Chamar. Thereafter, the accused persons run away. The accused persons were also talking on cellphone to one Munna Sarpanch and one Mukhiya Pappu. Thereafter, one person residing near thereby telephoned to the owner of the school because the accused persons had earlier damaged the mobiles of the informant and Lalu Paswan. The owner of the aforesaid school, just came to the place of occurrence after taking the recourse of police. On the arrival of the police and owner, he told the entire episode of the occurrence to the police in writing against the accused persons.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. Chargesheet has been submitted in this case and charge has also been framed against the appellant on 16.01.2020. The



appellant is in custody since 21.11.2019. He further submits that the whole story is false and fabricated. There is occurrence took place on 14.09.2019 and FIR lodged on 16.09.2019 after lapse of two days.

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

Considering the aforesaid facts, let the appellant, above named is directed to be released 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 Additional District and Sessions Judge-8th cum Special Judge SC/ST Act, Patna in connection with Gaurichak P.S. Case No. 386/2019 vide Special Case No. 460/2019.

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

(Anjani Kumar Sharan, J)

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