

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1752 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Madhubani

1. DEVENDRA KUMAR YADAV @ DEVENDRA YADAV S/o Late Mahajan Prasad Yadav, Resident of Village-Hanuman Nagar, Ward No.12, P.S.-Basopatti, District-Madhubani.
2. Lal Babu Yadav S/o Kishan Prasad Yadav, Resident of Village-Hanuman Nagar, Ward No.12, P.S.-Basopatti, District-Madhubani.
3. Urmila Devi W/o Devendra Prasad Yadav @ Devendra Yadav Resident of Village-Hanuman Nagar, Ward No.12, P.S.-Basopatti, District-Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash

For the Respondent/s : Mr.Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2020 Heard learned counsel for the appellants 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 appellants 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 12.03.2020 in A.B.P. No. 1999/2019, passed by the learned 1st Additional Sessions Judge, Madhubani, arising out of SC/ST, Madhubani P.S. Case No. 30 of 2019 registered under Sections 341/323/324/354/379/504/506 of the Indian Penal Code and Sections 3 (i)(r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case in brief is that on 07.05.2019, accused Devendra Prasad Yadav came to the informant's house and said that sala Hajijanwa, by whom permission you stand the motorcycle on my land. Informant replied that I get motorcycle out from here. On which accused Devendra Prasad Yadav pushed the motorcycle down on protest appellant no. 1 started fighting then informant saved himself by pushing appellant no. 1 and gone to his house. Then again all the accused persons named in the FIR entered into the house of the informant with lathi, danda rod, Tengari etc. and started assaulting and fighting. On informant's crying mother of informant came there for rescue then accused Suman Kumar Yadav attacked with knife by which informant's mother got injured. Then all accused persons assaulted her and snatched her ear's gold, Hasuli priced about



Rs. 45,000/- Then after father of the informant came to house and seeing condition started crying loudly. On hulla neighbours came then all accused persons gone away from there.

Learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in this case. The occurrence took place on 07.05.2019 and FIR lodged on 02.09.2019 after the lapse of more than four months and there is no explanation has been given by the informant in this regard. The appellants have no criminal history.

Learned counsel for the appellants further submits that as per FIR, the appellants have entered into the house of the informant and abused by cast name and all accused persons including the appellants assaulted to the informant. The appellant Devendra Prasad Yadav has also filed a case prior to present FIR against the informant and others in connection with Basopatti P.S. Case No. 85/2019 dated 11.05.2019 for the offences u/ss. 341, 504, 323, 307, 324, 325, 379/34 of the I.P.C. (kept as Annexure-3) of this appeal. From perusal of the FIR, filed by the appellant it appears that the informant and others brutally assaulted to the appellants. Injury report as Annexure-2 and also injury report of the appellants is as Annexure-4 of this appeal.



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

In the facts and circumstances of the case, the above named appellants, in the event or their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani, in connection with SC/ST, Madhubani P.S. Case No. 30/2019, 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)

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