

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4275 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- DHANKUND District- Banka

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Pankaj Yadav, Son of Late Lakho Yadav, Resident of Village- Bhagwanpur,
P.S.- Sanhoula, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL JUDGMENT

Date : 22-05-2020

Heard learned counsel for the appellant and the
learned counsel for the State through Video Conferencing.

This appeal, under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
is directed against the order dated 09.08.2019 passed in G.R. No.
70 of 2019, whereby and whereunder the learned Ist Additional
Sessions Judge, Banka, rejected the prayer for grant of bail of the
appellant in connection with Dhankund P.S. Case No. 64 of 2019,
registered under Sections 365, 323 and 504/34 of the Indian Penal
Code and Sections 3(i)(r)(w) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case, in brief, is that at about 2 P.M., on
16.05.2019, the informant, Prasadi Paswan, was present at his



house after taking the lunch. At that time, Gichu Yadav, Gena Yadav, Bhoura Yadav, Mahendra Yadav and Soshil Yadav came at his door and started to abuse him denoting his caste name *Dushad*. When the informant made protest then Mahendra Yadav asked him that his daughter Priyanka Kumar, has been kidnapped by your son, Tetar Paswan, on which, informant asked that his son had already been gone at Gujrat for his livelihood. Thereafter, all miscreants started to abuse and dragged him and his wife, Meera Devi and boarded them on different motorcycles, out of whom, one motorcycle was driven by the petitioner and proceeded towards village Banarchuha. When the police came to know about the occurrence then police took him and his wife to the Police Station.

Learned counsel for the appellant submits that, in fact, son of the informant had kidnapped the daughter of co-accused, Mahendra Yadav due to that reason co-accused, Mahendra Yadav made query to the informant due to that reason, informant lodged the present case with false allegation. Further submission is that petitioner has no criminal antecedent and is in custody since 18.07.2019.

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



Let the appellant, above named, is directed to be released 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-Banka, in connection with Dhankund P.S. Case No. 64 of 2019. Out of two sureties, one surety must be the close relative of the appellant.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2020
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