

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4453 of 2019**

Arising Out of PS. Case No.-3 Year-2018 Thana- SC/ST District- Gaya

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1. Sachitanand Yadav @ Sachidanand Yadav @ Sachida Nand Kumar, aged about 45 years, Male.
 2. Nirala Yadav, aged about 42 years, Male,
Both the appellants are Sons of Ishwar Yadav @ Ishwari Yadav Resident of Village- Nawanpurvi, Panchayat- Khurd, P.S.- Bodh Gaya, District- Gaya.
- Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 06-01-2020 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The appellants in the present case are seeking setting aside the order dated 02.09.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 204/2019 arising out of SC/ST Gaya P.S. Case No. 03/2018 instituted for the offences punishable under Sections 147, 149, 341, 323, 354, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by which prayer for anticipatory bail of the appellants has been rejected.



Learned counsel for the appellants submits that on a bare reading of the First Information Report it would appear that the mode and manner of the alleged occurrence has been concocted without there being any basis. It is submitted that as per F.I.R. itself the co-accused Pintu Kumar and Santu Kumar along with appellant no. 1 had allegedly indulged in a scuffle with the daughter of the informant, therefore, there is no allegation that in any way the appellant no. 1 had indulged in any indecent act with the daughter of the informant, so far as the story of entering into the scuffle is concerned, the same is concocted one as the appellants and the informant side are fighting over possession of a piece of land. It is submitted that the informant's side is trying to dispossess the appellants' side from the land and that is the reason for lodgment of the present F.I.R. It is further submitted that the further allegation that other accused persons including appellant no. 2 came later on and indulged in beating and giving threat have no basis.

Learned Special Public Prosecutor for the State has opposed the prayer for setting aside of the impugned



order and grant of anticipatory bail of the appellants, however it is not disputed that in the F.I.R. there is no specific allegation that these two appellants had indulged in any indecent act with the daughter of the informant, the allegation is that of having a scuffle.

In the nature of the submissions and the allegation as noticed above, let the impugned order be set-aside and the above-named appellants, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST Gaya P.S. Case No. 03/2018, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to
dissuade him from disclosing such facts to the Court or to
any police officer;

(iii) a condition that the person shall not leave
India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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