

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5239 of 2019

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

PINTU KUMAR Son of Umesh Yadav Resident of Village - Nava Purbi, P.S.
- Bodh Gaya, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-02-2020 Heard learned counsel for the parties.

There is delay of 9 days in filing of this appeal. The delay is explained in I.A. No. 01 of 2020, a petition under Section 5 of the Limitation Act. Hence, delay is condoned and accordingly I.A. No. 01 of 2020 stands disposed of.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 07.08.2019 passed by the learned Special Judge, SC/ST Act, Gaya in A.B.P. No. 209 of 2019, arising out of SC/ST P.S. Gaya Case No. 03 of 2018 registered under Sections 147, 149, 341, 323, 354, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

According to F.I.R., the appellant and two co-accused Santu Kumar and Sachidanand Yadav started a scuffle with two girls who had gone to ease themselves in the field side. To save their chastity, they raised alarm. Thereafter, the appellant and others started committing assault against them and then other co-accused also came and committed assault, etc.

Learned counsel for the appellant submits that co-accused Sachidanand Yadav having identical allegation has already been allowed anticipatory bail by co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4453 of 2019. Learned counsel for the appellant further submits that there is dispute between the parties for possession over a piece of land. No document to prove a bonafide land dispute or a land dispute has been brought on the record.

The F.I.R. *prima facie* discloses that the appellant had indulged into an indecent act with the girls which amounted to outraging their modesty. Therefore, offence under Section 3(2) (va) read with schedule of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is *prima facie* made out.

To me, it appears that the aforesaid fact was not brought to the notice of the Hon'ble Judge who had granted



anticipatory bail to Sachidanand Yadav.

Considering the aforesaid facts, I do not find any merit in this appeal against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

However, in the event of surrender of the appellant, prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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