

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5637 of 2019

Arising Out of PS. Case No.-416 Year-2019 Thana- SAHPUR District- Patna

JITENDRA YADAV @ JITENDRA KUMAR, aged about 19 years, Male,
Son of Bachu Prasad Yadav @ Bachu Yadav, Resident of Village - Ushari,
P.S. - Shahpur, District – Patna ... Appellant

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Kaushal Kishore Sinha, Adv.
For the Respondent : Mr. Usha Kumari 1, APP

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

ORAL ORDER

2 07-01-2020 Heard the learned counsel for the appellant and the
learned Additional Public Prosecutor.

This criminal appeal, under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order, dated 23.11.2019, passed by the Additional Sessions Judge XX-cum-Special Judge, SC/ST Act, Patna, in ABP No. 8853 of 2019, arising out of Shahpur P.S. Case No. 416 of 2016, registered under Sections 341, 323, , 354, 379, 427, 504, 506 and 307 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellant was refused.

In brief, prosecution case is that on 20.10.2019 at about 11.00 a.m. informant, Anita Devi, along with her



daughter, was present at her shop. At that time, the appellant, along with his father Bachu Yadav, reached there and tried to outrage the modesty, then, protest was made, raising alarm. Both the persons damaged the materials of the shop and caused injury through butt of pistol at her head and also abused denoting her caste.

Submission is that in fact, the appellant and informant are next door neighbour and quarrel started for flowing the dirty water from the drain of the house of the appellant in which the mother of the appellant was slapped. Both the parties arrived at the Police Station, the case of the appellant was not instituted, thereafter, the mother of the appellant filed Complaint Case No. 1910 of 2019 in the Court of the Additional Chief Judicial Magistrate, Danapur, Patna. Appellant has no criminal antecedent.

Having regard to the facts and circumstances of the case, the impugned order, dated ABP No. 8853 of 2019, arising out of Shahpur P.S. Case No. 416 of 2016, is set aside and the appeal is **allowed**.

Let the appellant, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with ABP No. 8853 of 2019, arising out of Shahpur



P.S. Case No. 416 of 2016 shall 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 XX-cum-Special Judge, SC/ST Act, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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