

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.591 of 2020

Arising Out of PS. Case No.-30 Year-2016 Thana- SC/ST District- Gaya

1. Ramashish Yadav @ Ramashish Kumar, aged about 57 years, Male, Son of Jagdish Yadav, Resident of Village Aiwan, P.S. Fatepur, District Gaya.
2. Srikant Yadav, aged about 50 years, Male, Son of Jagdish Yadav, Resident of Village Aiwan, P.S. Fatepur, District Gaya.
3. Mukesh Yadav, aged about 37 years, Male, Son of Vijay Kumar Rai, Resident of Village Aiwan, P.S.- Fatepur, District Gaya.
4. Vijay Kumar Rai, aged about 60 years, Male, Son of Jagdish Yadav, Resident of Village Aiwan, P.S. Fatepur, District Gaya.
5. Dhuru Kumar @ Dharendra Kumar, aged about 30 years, Male, Son of Vijay Yadav, Resident of Village Dharampur, P.S. Wazir Gani, District Gaya.

... .. Appellant/s

Versus

The State of Bihar through the Special P.P. SC/ST.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 12.07.2019, passed in ABP No.166 of 2019 by the learned Special Judge, SC/ST., Gaya by which the learned Special Judge rejected the prayer for grant of anticipatory bail to the appellants in SC/ST P.S. Case No.30 of 2016, registered under Sections 147, 149, 341, 342, 343, 504, 506 and 379 of the Indian Penal Code and under Section 3(i) (w) of the SC/ST Act.

The informant filed complaint petition on 08.07.2011



alleging therein that on 06.07.2011, while he along with his friend was going to purchase cement and iron rod on a motorcycle, the appellants are alleged to have intercepted them. Thereafter they are alleged to have abused and snatched money from possession of the complainant-informant. The informant alleged that occurrence took place due to *Panchayat* election.

Learned counsel for the appellants submits that no occurrence as alleged by the informant ever took place. The complainant filed complaint petition on 08.07.2011, i.e., only after two days of the occurrence, but the complainant did not inform the police about the occurrence. Even after filing the complaint petition, the complainant did not pursue the complaint petition for more than five years. Only after five years, the complaint was sent to the concerned P.S. for institution and investigation. On the face of it, it appears that the entire allegation is false and concocted and the appellants apprehend their arrest at the instance of the informant in a false and concocted case.

Mr. Sadanand Paswan, the learned Special P.P., however, opposed the prayer for anticipatory bail of the appellants.

Having considered the submissions of both sides and on perusal of the records, it transpires that the complainant filed complaint case after two days of the occurrence but did not give any explanation for not informing the police immediately after the



occurrence. Even after filing the complaint petition, the complainant did not pursue the same and it remained pending for more than five years. This fact itself shows the falsity of allegations.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 12.07.2019, passed in ABP No.166 of 2019 by the learned Special Judge, SC/ST., Gaya is set aside.

Appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST., Gaya in connection with SC/ST P.S. Case No.30 of 2016, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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