

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1726 of 2021**

Arising Out of PS. Case No.-614 Year-2020 Thana- BAGHA District- West Champaran

VIJAI YADAV @ VIJAYI YADAV Son of Mofil Yadav Resident of Village-
Bhairoganj, Police Station- Bhairoganj, District- West Champaran at Bettiah.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Upadhyay Saurabh Kumar, Advocate
For the Informant	:	Mr. Vijay Kumar Singh No. 1 Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 21-06-2021

In view of resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellant and the learned Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellants have preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for anticipatory bail, vide order dated 19.12.2020 passed by the learned Ist Additional District and Sessions Judge -cum- Special Judge, (SC/ST Act), West Champaran at Bettiah, in Bagha Bhairoganj P.S. Case No. 614 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 342, 323, 307, 448, 354-B, 504 and 506 of the Indian Penal Code, and Section 3(i)(r)/3(2)(va)/3(2)(v) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated



19.12.2020.

The FIR alleges that altogether 26 persons have perpetrated assault; and disrobing of the womenfolk as well as outraging of their modesty.

Learned Counsel for the appellant submits that the allegation in so far as the appellant is concerned is only to the effect that he has dragged some of the victims. There is no specific allegation of assault or disrobing against the instant appellant. The appellant is in custody since 23.11.2020 though he has no criminal antecedent.

Learned Counsel for the informant as well as learned Special PP submit that the entire occurrence is available on a pen drive. The said fact has been taken note of by the learned Sessions Judge while rejecting the appellant's prayer for bail. Four ladies and three male members have been injured. The pen drive contains visual recording of the incident wherein active participation of the instant appellant is apparent. The appellant and other co-accused persons have let loose a reign of terror and the appellant is not entitled to grant of bail.

Considering the rival submissions, for the present this Court is not inclined to allow appellants' prayer for bail.

In the result, the appeal is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

