

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1924 of 2021

Arising Out of PS. Case No.-444 Year-2020 Thana- NAWADA District- Nawada

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1. Sahdev Yadav Son of Daso Yadav Resident of Village - Chilihya Bigha, P.S. - Kadirganj, District - Nawada.
 2. Awdhesh Yadav @ Ashish Kumar Son of Sahdev Yadav Resident of Village - Chilihya Bigha, P.S. - Kadirganj, District - Nawada.
 3. Shailesh Yadav @ Shailesh Kumar Son of Sahdev Yadav Resident of Village - Chilihya Bigha, P.S. - Kadirganj, District - Nawada.
 4. Ajay Yadav @ Chhotu Yadav Son of Sri Vallabh Yadav Resident of Village - Chilihya Bigha, P.S. - Kadirganj, District - Nawada.
 5. Dharmo Yadav @ Dharmendra Kumar Son of Satyendra Yadav Resident of Village - Chilihya Bigha, P.S. - Kadirganj, District - Nawada.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Ansul, Adv.

For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 26-05-2021

Heard Mr. Ansul, learned counsel for the appellants and Ms. Usha Kumari, learned Spl. P.P. for the State via video conferencing.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') has been preferred by the appellants challenging the order dated 28.01.2021 passed by the learned Special Judge, SC/ST (POA) Act, Nawada in A.B.P. No. 176 of 2021, whereby he has rejected their application for grant of pre-arrest bail in connection with Kadirganj P.S. Case



No. 444 of 2020 registered for the offences punishable under Sections 341, 323, 325, 385, 504 and 506 read with 34 of the Indian Penal Code and Section 3(1)(r) of the Act.

3. The case of the prosecution, in brief, is that on 19.05.2020 at 03:30 PM, the appellants being variously armed with lathi, danda and iron rod came on two motorcycles. They asked for toddy from the informant. When the informant refused to oblige them, the appellants started hurling abuses by taking his caste name "Pasi". They further threatened him to serve them toddy and asked for a ransom of Rs. 1.50 lacs. When he forbade them to abuse, the appellants assaulted him, his wife and his sons Shankar Chaudhary and Valmiki Kumar. The informant and others sustained injuries.

4. Mr. Ansul, learned counsel appearing for the appellants submitted that the appellants are innocent and they have been implicated in the case due to personal vengeance. The allegations made against them are vague, general and omnibus. He contended that there is no eyewitness to the occurrence. He further contended that as per the prosecution case, the appellants abused the informant by taking his caste name at his house, which was certainly not within the public view.

5. On the other hand, learned Spl. P.P. appearing



for the State submitted that the allegations made against the appellants are serious. It is not only specifically alleged that the appellants abused the informant and his family members by taking their caste name, they also demanded ransom and assaulted four persons mercilessly.

6. Having heard the parties and perused the materials on record, I am of the opinion that the offences alleged under Section 3(1)(r) of the Act are clearly attracted in the present case. Apart from that, the allegations made in the FIR are very serious. The appellants have not only abused the informant and others by taking their caste name but they also mercilessly assaulted them and demanded ransom.

7. In view of the nature of allegations made in the FIR, I do not find any fault with the order passed by the court below whereby the application for pre-arrest bail of the appellant has been rejected. The appeal lacks merit.

8. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
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