

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.793 of 2020

Arising Out of PS. Case No.-21 Year-2019 Thana- SC/ST District- Jehanabad

1. RAMANAND YADAV Son of Rampravesh Yadav Resident of Village - Shekhpura, P.S.- Ghosi, Distt - Jehanabad.
2. Chandan Kumar Son of Awadesh Yadav Resident of Village - Shekhpura, P.S.- Ghosi, Distt - Jehanabad.
3. Shailesh Kumar Son of Ishwari Yadav Resident of Village - Shekhpura, P.S.- Ghosi, Distt - Jehanabad.
4. Dharmjeet Kumar Son of Subelal Yadav Resident of Village - Shekhpura, P.S.- Ghosi, Distt - Jehanabad.
5. Ram Baboo Yadav Son of Rampravaesh Yadav Resident of Village - Shekhpura, P.S.- Ghosi, Distt - Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Shekhar Dwivedi
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 21-06-2021 Heard both sides.

The matter has been taken up through video conferencing.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 06.01.2020 passed by the learned Additional Sessions Judge-I, Jehanabad in ABP No. 1671/2019 by which the learned Additional Sessions Judge-I rejected the prayer for anticipatory bail of the appellants in



Jehanabad SC/ST P.S. case No. 21/2019 registered under Section 341, 354, 504, 34 the IPC and u/s 3(1) (R) (s) (w), 3(2) (va) of the SC/ST Act and for grant of anticipatory bail.

The informant alleged that while she was going to call the children for attending Aanganbari class, the appellants abused and touched the body of the informant.

The learned counsel for the appellants submits that all the allegations are false and concocted. The occurrence is said to have taken place 01.04.2019 but the FIR was lodged on 10.04.2019. The appellant No.1, prior to lodging of the present case, lodged Ghoshi PS case No. 119/2019 on 25.03.2019 against Sarjun Sapera, father of the informant. The aunt of the appellants, namely, Samrati Devi, also lodged Ghoshi PS case No. 114/2019 on 24.03.2019 under different Sections of the IPC against Ravindra Sapera and seven others, family members of the informant, and on account of this fact the informant concocted a story and lodged the case after ten days of the occurrence. No independent witness has supported the prosecution case.

The learned Spl. P.P. did not dispute the facts.

Taking into consideration the facts that prior to institution of the present case two criminal cases were lodged



against the father and other family members of the informant on 24.03.2019 and 25.03.2019 and thereafter the informant lodged the case after 10 days of the occurrences, I find that the appellant deserves anticipatory bail. Accordingly, this appeal is allowed and the impugned order dated 06.01.2020 passed by the learned Additional Sessions Judge-I, Jehanabad in ABP No. 1671/2019 is set aside. The appellants, above named, in the event of their arrest/ surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- I- Jehanabad in connection with Jehanabad SC/ST P.S. case No. 21/2019 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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