

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2193 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Yogendra Bind (M), aged about 51 years, S/o Janki Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
2. Jitendra Bind (M), aged about 34 years, S/o Yogendra Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
3. Ravi Kumar (M), aged about 20 years, S/o Yogendra Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
4. Nandlal Kumar @ Nandlal Kumar Bind (M), aged about 24 years, S/o Rajendra Mistry Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
5. Sunil Kumar @ Sunil Kumar Bind (M), aged about 23 years, S/o Visheshwar Bind @ Vishesar Vind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
6. Niranjana Kumar (M), aged about 20 years, S/o Rajnandan Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
7. Dinesh Bind @ Dinesh Kumar Bind (M), aged about 20 years, S/o Nand Kishore Bind @ Kishore Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.
8. Jaiki Bind (M), aged about 26 years, S/o Visheshwar Bind @ Visheshar Bind Resident of Village-Lakhanpur, P.S.-Muffasil, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-03-2021 Heard Learned counsel for the appellants and
counsel for the State.

The present appeal is directed against the order dated
17.8.2020 passed by learned Special Judge, SC/ST, Gaya in
Muffasil P.S. Case No. 177 of 2020 registered for offence under



Sections 341, 323, 504, 354, 308, 379/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act whereby the prayer for anticipatory bail of the appellants has been rejected.

The prosecution story, in short, is that on 13.5.2020 at 5.30 pm, when the Informant Shobha Devi was going to the shop with her grandson, the accused Jaiki Bind intercepted her on the way. When the Informant objected, all the accused persons, armed with traditional weapons, came to the house of the Informant and started abusing in filthy language. They also snatched chain from her neck. It has been alleged that Yogendra Bind and Jitendra Bind torn her blouse and tried to outrage her modesty whereas the accused Sunil Bind thrown her grandson down to the earth causing severe head injuries to the child.

There is specific allegation against the appellant no.5 Sunil Kumar Bind of throwing the 5 years old child on the earth with an intention to kill him.

Learned counsel for the appellants submits that actually the Informant is an employee in the civil court, Gaya whereas her father-in-law runs a P.D.S. shop and, due to illegality and irregularity in distribution of food-grains, a complaint was filed by the appellant Yogendra Bind and others



which is the reason to implicate the appellants in the present false case.

Looking to the entire facts and circumstances of the case, let the appellant nos. 1 to 4 and 6 to 8, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 177 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the appellants repeat the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the anticipatory bail.

As there is a specific allegation against the appellant no.5 of throwing the child on the earth, this Court is not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the



appellant no.5, above named, is rejected.

This appeal stands disposed of.

(Shivaji Pandey, J)

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