

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3485 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- ADHAOURA District- Kaimur (Bhabua)

Pramod Yadav @ Kaishiya Yadav, aged about 22 years, male, S/o Shiv Poojan Singh, Resident at Village - Khamkala, Than - Adhaura, Post - Kolhua, District - Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kiran Kumari Sharma, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-09-2021 Heard Ms. Kiran Kumari Sharma, the learned Advocate for the appellant and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 05.06.2021 passed by the learned 1st Addl. District and Sessions Judge-Cum-Special Judge, Kaimur at Bhabua in connection with Adhaura P.S. Case No. 13 of 2021, instituted for the offences under Sections 341, 323, 325,



504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that co-accused/Bullu Yadav abused the informant and on protest by him, aforesaid Bullu Yadav called the appellant as well, who is his brother. Later, it has been alleged that Bullu Yadav gave a *lathi* blow on the informant, leading to fracture in his leg.

It has been submitted on behalf of the appellant that though he is an accused in altogether seven cases, reference of which has been given in paragraph 3 of the memo of Appeal, but in all such cases, he is on bail and all the above-noted cases are under minor sections of the I.P.C. It has further been submitted that there is a counter version of the occurrence lodged by the brother of the appellant against the informant of the present case *vide* Adhara P.S. Case No. 11 of 2021.



The accusation with respect to the mischief of S.C./S.T. (Prevention of Atrocities) Act, it has been argued, is highly exaggerated. There appears to be a dispute over a plot of land between the parties and merely because the appellant is the brother of aforesaid Bullu Yadav, he has been made accused in this case.

On the basis of the afore-noted facts, it has been urged that the offence under the S.C./S.T. (Prevention of Atrocities) Act cannot at all be said to have been made out as against the appellant, who though is named in the F.I.R. but is not alleged to have caused any grievous injury on the informant.

Regard being had to the aforesaid submissions, the order dated 05.06.2021, referred to above, so far as it relates to the appellant, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned 1st
Addl. District and Sessions Judge-Cum-Special Judge,
Kaimur at Bhabua in connection with Adhaura P.S. Case
No. 13 of 2021, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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