

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.263 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- CHANAN District- Lakhisarai

RAJ KUMAR YADAV, Son of Yugal Yadav Resident of Village - Maliya,
P.S.- Chanan, Distt.- Lakhisarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Irshad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-07-2021 Heard Md. Irshad, learned Advocate for the

appellant and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

The appellant has challenged the order, dated

04.09.2020, passed by the Additional Sessions Judge 1st

Cum Special Judge (SC / ST Act), Lakhisarai, in

connection with ABP No. 528 of 2020, arising out of

Chanan P. S. Case No. 71 of 2020, whereby the prayer

made on behalf of the appellant for grant of anticipatory

bail for the offences punishable under Sections 448,

341, 323, 354 (B), 307, 427, 504 and 34 of the Indian

Penal Code and Section 3 (1) (r) (s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the appellant along with his co-villager / Vikki Yadav came to the house of the informant and abused and assaulted him. The wife of the informant is also alleged to have been assaulted.

The cause of occurrence as stated in the F.I.R. is that the cattle of the accused persons / appellant had grazed the field of the informant and when this was protested, the occurrence is said to have taken place.

The learned counsel for the appellant has submitted that over a petty dispute, a clash took place between the parties but a different colour to this case has been given. In fact, there is a dispute with respect to payment of charges for the purchase of milk. There was some money due to the appellant for having sold milk to the informant. On reminder to make such payment, the present case has been lodged.



Nobody appears to have been injured in the occurrence in any serious manner.

Regard being had to the afore-stated facts, it has been argued, it can safely be concluded that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

For the reasons noted above, the order dated 04.09.2020, passed by the learned Additional Sessions Judge 1st Cum Special Judge (SC / ST Act), Lakhisarai, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge 1st Cum Special Judge (SC / ST Act),
Lakhisarai in connection with Chanan P. S. Case No. 71
of 2020, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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