

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3888 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Jehanabad

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BIRENDRA YADAV Son of Balkeshwar Yadav Resident of Village -
Kayamganj, P.S.- Makhdumpur, Dist.- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Santosh Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Arvind Kumar Sinha, learned

Advocate for the appellant and Mr. Binay Krishna,

learned Special Public Prosecutor for the State.

The appellant has challenged the order, dated

01.10.2020, passed by the learned Court of Additional

Sessions Judge-cum-Special Judge 1st SC/ST Act,

Jehanabad, in connection with ABP No. 682 of 2020,

arising out of SC/ST P. S. Case No. 22 of 2020,

whereby the prayer made on behalf of the appellant for

grant of anticipatory bail for the offences punishable

under Sections 341, 323, 325, 506, 504 and 34 of the

Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va)



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

The accusation in the F.I.R. is of the appellant having abused and assaulted the informant because of a dispute which had taken place between the daughters of the two families.

The learned counsel for the appellant has submitted that because of some other dispute, the subject F.I.R. has been lodged with the accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant and the informant are neighbours and there is also a land dispute between them.

Apart from this, it has been submitted that there has been seven days' delay in lodging the F.I.R. for which there is no reasonable explanation.

It has thus been urged 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.

Regard being had to the afore-stated facts, the order dated 01.10.2020, passed by the learned Court of Additional Sessions Judge-cum-Special Judge 1st SC/ST Act, Jehanabad, 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 Court of Additional Sessions Judge-cum-Special Judge 1st SC/ST Act, Jehanabad in connection with SC/ST P. S. Case No. 22 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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