

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.869 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- SC/ST District- Bhagalpur

1. Choti Yadav @ Chotu Yadav @ Chotu Kumar, aged about 19 years-M, Son of Lalan Yadav, Resident of village- Mansar, P.S.-Nathnagar (Madhusudanpur), District-Bhagalpur.
2. Nandu Yadav @ Nandan Yadav-M, aged about 23 years, Son of Buchhi Yadav, Resident of village-Mansar, P.S.-Nathnagar (Madhusudanpur), District-Bhagalpur.
3. Guddy Yadav, aged about 32 years-M, Son of Buchhi Yadav, Resident of village-Mansar, P.S. - Nathnagar (Madhusudanpur), District-Bhagalpur.
4. Sappo Yadav @ Sushil Yadav, aged about 45 years-M, Son of Late Sadhi Yadav, Resident of village-Mansar, P.S.-Nathnagar (Madhusudanpur), District-Bhagalpur.
5. Buchhi Yadav, aged about 69 years-M, Son of Late Sadhi Yadav, Resident of village- Mansar, P.S. - Nathnagar (Madhusudanpur), District-Bhagalpur.
6. Puja Devi, aged about 24 years-F, Daughter of Buchhi Yadav, Wife of Ranvir Yadav @ Ramveer Yadav, Resident of village- Bhatauriya, P.S.-Nathnagar, District-Bhagalpur.
7. Ranvir Yadav @ Ramveer Yadav, aged about 32 years-M, Son of Kapildeo Yadav, Resident of village-Bhatauriya, P.S.-Nathnagar, District - Bhagalpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Ranjan Kumar Jha, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks. So far the defect no. 6(8) is concerned, the same is ignored as the present appeal has been filed on 07.10.2020



through e-filing.

Learned counsel for the appellants seeks permission to withdraw the present appeal filed for grant of anticipatory bail on behalf of appellant nos. 1, 2, 3, 4, 5 and 7, namely, Choti Yadav @ Chotu Yadav @ Chotu Kumar, Nandu Yadav @ Nandan Yadav, Guddy Yadav, Sappo Yadav @ Sushil Yadav, Buchhi Yadav and Ranvir Yadav @ Ramveer Yadav respectively, as they have already been taken into judicial custody in connection with Bhagalpur SC/ST P.S. Case No. 14/2020, pending in the court of learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur.

Permission is accorded.

Accordingly, the present appeal filed for grant of anticipatory bail on behalf of appellant nos. 1, 2, 3, 4, 5 and 7, namely, Choti Yadav @ Chotu Yadav @ Chotu Kumar, Nandu Yadav @ Nandan Yadav, Guddy Yadav, Sappo Yadav @ Sushil Yadav, Buchhi Yadav and Ranvir Yadav @ Ramveer Yadav respectively, is dismissed as withdrawn.

Now, the matter only relates to grant of anticipatory bail to the appellant no. 6, namely, Puja Devi, in connection with A.B.P. No. 1453/2020, arising out of Bhagalpur SC/ST P.S. Case No. 14/2020, registered for the offences under Sections



341, 323, 354, 504, 506/34 of the I.P.C. and 3(1)(r)(s) and 3(2) (ra) of the SC/ST Act.

The prosecution case, in short, is that a *Naad* for feeding cow was kept in front of the door of the informant and on 14.07.2020 at 5.30 P.M., co-accused Choti Yadav crossed the *Naad* by climbing on it which was objected by him and his *Bhabhi* and on that co-accused Chotu Yadav did *Dhakka-Mukki* with them by hurling caste related abuses. It is further alleged that in the meantime, co-accused Nandu Yadav, Guddy Yadav, Sappo Yadav, Bucchi Yadav, Puja Devi (appellant) and co-accused Ranvir Yadav attacked the informant by hurling filthy abuses saying *Chamar-Chamar* and committed *mar-pit*, in the meantime, Mangal Das, the elder brother of the informant, came to save and on that, all the aforesaid persons brutally assaulted the three of them, due to which, they became injured. Anyhow, the nearby people and villagers saved their lives and after that co-accused Guddy Yadav and Nandu Yadav intimidated them to leave the house else they would shoot any day.

It has been submitted on behalf of the appellant no. 6 that she has got no criminal antecedent. She has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against her. General and



omnibus allegation has been made against her. No specific overt act is alleged against her. There is case and counter case between the parties. F.I.R. was instituted after three days of the alleged occurrence. The delay has not been explained by the prosecution. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant no. 6 is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 08.09.2020, passed by learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with A.B.P. No. 1453/2020, arising out of Bhagalpur SC/ST P.S. Case No. 14/2020, only in respect of appellant no. 6, Puja Devi is set aside. The criminal appeal is allowed only in respect of appellant no. 6, Puja Devi.

Accordingly, the appellant no. 6, namely, Puja Devi, (except appellant nos. 1, 2, 3, 4, 5 and 7, namely, Choti Yadav @ Chotu Yadav @ Chotu Kumar, Nandu Yadav @ Nandan Yadav, Guddy Yadav, Sappo Yadav @ Sushil Yadav, Buchhi Yadav and Ranvir Yadav @ Ramveer Yadav), in the event of arrest or surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur, in connection Bhagalpur SC/ST P.S. Case No. 14/2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

