

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.615 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- SC/ST District- Rohtas

1. BRIJNANDAN YADAV @ BATER YADAV @ BRIJANAND SINGH Son of Late Ramayan Singh Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.
2. Manoj Yadav @ Daroga Yadav Son of Late Ramayan Singh Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.
3. Krishna Yadav Son of Beslal Yadav Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.
4. Kanhaiya Yadav Son of Beslal Yadav Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.
5. Rohit Yadav @ Teja Yadav Son of Late Mosafir Yadav Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.
6. Roushan Yadav Son of Kamta Yadav Resident of Village and P.O.- Gangauli, P.S.- Dehri (Dalmianagar), District- Rohtas.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Shankar Kumar, Advocate.
For the State	:	Ms. Usha Kumari No.1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the appellants remove the defect(s), as pointed out by the Stamp Reporter, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the appellants, through Video Conferencing, submits that the appellant no.2, namely, Manoj Yadav alias Daroga Yadav, appellant no.3,



namely, Krishna Yadav, and the appellant no.4, namely, Kanhaiya Yadav, have already been arrested by the police in this case and, as such, this appeal filed under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, in respect of the appellant no.2, namely, Manoj Yadav alias Daroga Yadav, appellant no.3, namely, Krishna Yadav, and the appellant no.4, namely, Kanhaiya Yadav, for granting them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this appeal in respect of the appellant no.2, namely, Manoj Yadav alias Daroga Yadav, appellant no.3, namely, Krishna Yadav and the appellant no.4, namely, Kanhaiya Yadav.

Permission is accorded.

This appeal in respect of the appellant no.2, namely, Manoj Yadav alias Daroga Yadav, appellant no.3, namely, Krishna Yadav and the appellant no.4, namely, Kanhaiya Yadav, is dismissed as withdrawn.

Now, this appeal for granting the privilege of pre-arrest bail to the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav, and the appellant no.6, namely, Roushan Yadav, is being considered, through Video



Conferencing.

Heard learned counsel for the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav, and the appellant no.6, namely, Roushan Yadav and the learned Special P.P. for the State.

This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, is directed against the order dated 20.10.2020 passed by the 1st Additional Sessions Judge, Rohtas at Sasaram, in Reg. Case No.136 of 2020, arising out of SC/ST P.S. Case No.49 of 2020, registered under Sections 147, 149, 341, 323, 325, 504 and 506 of the Indian Penal Code besides Sections 3(i)(r)(s) of the SC/ST Act, rejecting the prayer of the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav, and the appellant no.6, namely, Roushan Yadav for granting the privilege of pre-arrest bail in connection with the aforesaid case.

The prosecution case, in brief, is that the informant Bigan Das had taken 1½ Bigha land of Ashok Tiwary on lease, due to that reason, appellant no.1 Brijnandan Yadav alias Bater Yadav, Manoj Yadav alias Daroga Yadav, Krishna Yadav,



Kanhaiya Yadav, appellant no.5 Rohit Yadav alias Teja Yadav and Krishna Yadav on 03.06.2020 at about 09.00 P.M. started to abuse and entered into the house of the informant and started to cause assault to the informant, his wife, his sons, namely, Gautam Kumar and Uttam Kumar, and daughter, namely, Vinita Kumari, denoting the caste name. On hearing “Hullah, several villagers gathered and pacified the matter. Again, on 04.06.2020 at about 10.00 A.M., when the informant was watching the television in the Dalan of Shiv Janam Das, at that time, Gautam Kumar Yadav, Teja Yadav alias Rohit Yadav (appellant no.5) and Roushan Yadav (appellant no.6) having lathi and iron rod came there and started to abuse to the informant denoting the caste name. When the informant came out from the Dalan of Shiv Janam Das, then Kanhaiya Yadav gave the iron rod blow at his head due to which he fell down and, thereafter, all caused assault to the informant through lathi and stick. On hearing the “Hullah, the villagers gathered there, then the informant was saved.

Learned counsel for the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav and the appellant no.6, namely, Roushan Yadav, submits that, in fact, the



niece of the appellant no.1 was abused and her modesty was outraged by the son of of the informant, due to which hot exchange of words and scuffle took place between the parties regarding which on the basis of the fardbeyan of the appellant no.1, Dehri Nagar (Dalmianagar) P.S. Case No.394 of 2020 for the offence under Sections 143, 341, 323, 325, 337, 354, 307 and 504 of the Indian Penal Code was instituted against the prosecution party but with an ulterior motive, the informant has lodged the present case with false allegation for the offence under Sections 147, 149, 341, 323, 325, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act. Furthermore, there is no specific allegation against the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav and the appellant no.6, namely, Roushan Yadav, to cause injury to anyone. The specific allegation is against Kanhaiya Yadav to cause injury at the head of the informant through iron rod.

Having considered the facts and the circumstances of the case, the impugned order dated 20.10.2020 in respect of the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias



Teja Yadav, and the appellant no.6, namely, Roushan Yadav, is set aside and this appeal, in respect of the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav, and the appellant no.6, namely, Roushan Yadav, is allowed.

Let the appellant no.1, namely, Brijnandan Yadav alias Bater Yadav alias Brijanand Singh, appellant no.5, namely, Rohit Yadav alias Teja Yadav, and the appellant no.6, namely, Roushan Yadav, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge, Rohtas at Sasaram, in connection with Reg. Case No.136 of 2020, arising out of SC/ST P.S. Case No.49 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this appeal is disposed of.

(Rajendra Kumar Mishra, J)

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