

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.323 of 2022**

Arising Out of PS. Case No.-30 Year-2021 Thana- SC/ST District- Gaya

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Satyendra Kumar @ Satyendra Yadav, Son of Ram Bhajan Yadav, R/O
Village- Dubahal, P.O.- Chandchaura, P.S.- Magadh Medical, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ansul, Advocate Mr. Krishna Chandra
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Nagadeo Choubey, Advocate Mr. Dayanand Pd., Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This appeal has been filed against the order dated 15.01.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 30/2021, registered for the offence punishable under Sections 354, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) (I)/ 3 (2) (v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter 'the Act') by



which the prayer of the appellant for grant of anticipatory bail has been rejected.

The allegation against the appellant is that of assaulting the informant, who belongs to a Scheduled Caste, along with other co-accused persons and abusing her by taking her caste name in the backdrop of some land dispute.

Learned counsel for the appellant has submitted that the informant has been set up by one Birendra Yadav and that person is having a long history of land dispute with the appellant and the said Birendra Yadav wants to grab the land of the appellant. The appellant's side has filed four cases against him. There has not been anything on record to show that the informant was assaulted and the offences under the provisions of 'the Act' took place due to the reason informant was a lady of scheduled caste. It is apparent that occurrence took place due to land dispute. Learned counsel for the appellant has further submitted that vide judgment dated 05.11.2020 in Cr. Appeal No.707 of 2020 arising out of SLP (Criminal) No.3585 of 2020) in the case of **Hitesh Verma Vs. The State of Uttrakhand and Anr.**, the Hon'ble Supreme Court has held that unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such



caste then only a prima facie case is not made out. He has further relied upon a decision dated 20.08.2008 of the Hon'ble Supreme Court in the case of **Gorige Pentaiah vs. State of A.P. and Ors. (Cr. Appeal No. 1311 of 2008 arising out of SLP (Crl.) No. 3743/2007)** on the same point. Learned counsel for the appellant has further submitted that if the land dispute is admitted and the case appears to be a result of such land dispute, no case would be made out under the provisions of 'the Act', 1989 relying upon the decision of Hitesh Verma (supra). Thus, it has been submitted by the learned counsel for the appellant that prima facie no case is made out and the appellant be released on anticipatory bail.

The contention of the learned counsel for the appellant has been opposed by learned counsel appearing on behalf of the informant. It has been submitted by learned counsel for the informant that a prima facie case is made out since the FIR itself discloses that the informant was assaulted and abused by taking her caste name by the appellant and other accused persons. He has relied upon a decision of the Hon'ble Supreme Court in the case of **Union of India Vs. State of Maharashtra, and others reported in (2020) 4 SCC 761.**

I have given my thoughtful consideration to the



submissions made on behalf of both sides. Admittedly, there is land dispute. Then there is claim of previous litigation between the land owner of the informant and his agnate, the petitioner herein. In the aforesaid background possibility become more definite for false implication. Having regard to the aforesaid facts and circumstances and relying upon the afore-referred two decisions of the Hon'ble Supreme Court, namely, Hitesh Verma's case and Gorige Pentaiah's case, I am of the opinion that the appeal ought to be allowed and hence, let the appellant, above-named, in the event of his arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 30 of 2021 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with a further condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellant. The petitioner will not in any way contact either the victim or any of the witnesses and tamper with the evidence in any manner.



Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

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