

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.917 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- MUFFASIL District- West Champaran

1. VIJAY YADAV S/o Kailash Yadav Resident of Village- Parwatiya Tola/ Chargaha, P.S.- Bettiah Mufassil, District- West Champaran, Bihar.
2. Sonu Yadav @ Sonu Kumar Yadav @ Ashish Kumar S/o Sipahi Yadav Resident of Village- Parwatiya Tola/ Chargaha, P.S.- Bettiah Mufassil, District- West Champaran, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vikas Ratan Bharti
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 26-07-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 14.12.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bettiah Mufassil P.S. Case No. 524 of 2021 registered for offence punishable under



sections 147, 148, 149, 323, 354B, 504 and 506 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons named in the FIR nine in number came to the house of the informant. At the order of co-accused Jitendra Yadav, co-accused Saroj Yadav misbehaved with the informant. They abused by calling her caste name. Thereafter, co-accused Manoj Thakur, Arjun Thakur, Laddu Patel and Dharmendra Yadav assaulted the informant. Appellant no. 2 and co-accused Kamrendra Yadav also assaulted her. Manoj Yadav outraged her modesty. When the *gotni* and daughter of the informant came to rescue her, they were also badly assaulted and made injured.

The learned counsel for the appellants has submitted that there is previous enmity between the parties. There is case and counter case.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that both the appellants are criminals and they are accused in serious cases, even under section 376 (d) of the Indian Penal Code. Paragraph 3 of the petition shows that the appellants have



criminal antecedent of serious cases, including cases under the SC/ST (Prevention of Atrocities) Act.

Considering the above-mentioned facts and circumstances, specially the criminal antecedent of the appellants, I am not inclined to grant them anticipatory bail. Accordingly, this appeal is dismissed. If the appellants surrender and make a prayer for regular bail that shall be considered on its own merit without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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