

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1801 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- SC/ST District- Madhubani

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1. Yadunandan Yadav @ Yadunandan Prasad Yadav, Son Of Late Govind Yadav R/O- Village- Lilza, P.S.- Bheja, Dist.- Madhubani
 2. Karn Kumar Yadav @ Karam Yadav, Son Of Mahesh Yadav R/O- Village- Lilza, P.S.- Bheja, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Buchchi Devi, Wife Of Buchchi Chaupal R/O- Village- Lilza, P.S.- Bheja, Dist.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Kumar Pathak
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 29.03.2022 passed by the learned Additional District & Sessions Judge 1st, (SC/ST), Madhubani in connection with SC/ ST P. S. Case No.31 of 2021, instituted for the offences under Sections 341, 323, 379, 354, 504, 506/ 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.



The learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.2 is a young boy aged about 19 years and the informant alleges that on account of dispute relating to land, petitioner no.1 tied towel around the neck of her husband and pulled along with Rajesh Yadav on account of which, her husband became unconscious and fell and thereafter, the accused assaulted him. It is next alleged that when she intervened Rajesh tore her sari and Vijay snatched her nose-pin and the accused persons made her semi-naked.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that though it is alleged that appellant no.1 tied towel around the neck of the husband of the informant and pulled him along with Rajesh, but then, no injury was caused to him as there is no injury report. It is also submitted that there is no specific allegation of assault or abuse against the appellant no.2. and as far as allegation of snatching of nose pin and making the informant semi-naked is alleged, the same is ornamental. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory



bail, then the F.I.R. does not even remotely suggest that the occurrence was witnessed by anyone and thus, it was not in public view. Hence, the SC/ST (P.O.A.) Act is not attracted.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 29.03.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st, (SC/ST), Madhubani in connection with SC/ ST P. S. Case No.31 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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