

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2384 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Begusarai

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1. Chandan Yadav @ Ambuj Kumar, Son of Jagdish Yadav, Resident of Village - Wajitpur, P.S. - Chodhae (O.P.), District - Begusarai
 2. Jagdish Yadav, Son of Ram Kishun Yadav, Resident of Village - Wajitpur, P.S. - Chodhae (O.P.), District - Begusarai
 3. Sajeev Yadav, Son of Jagdish Yadav, Resident of Village - Wajitpur, P.S. - Chodhae (O.P.), District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakho Devi Daughter of Ram Bahadur Paswan R/o Village - Wajitpur, P.S. - Chodhae (O.P.), District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mohit Shriwastava, Advocate
For the Informant	:	Mr. Randhir Kumar, No. 1, Advocate
For the State	:	Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 01-12-2022

Heard learned counsel for the appellants and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed
within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
against the refusal of prayer for bail vide order dated 16.06.2022
passed by the learned Exclusive Special Judge, SC/ST, (Prevention of
Atrocities), Begusarai in connection with SC/ST P.S. Case No. 07 of
2022 registered for the alleged offences under Sections 341, 323,

448, 379, 506, 504 and 34 of the Indian Penal Code and Sections 3(i) (r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, appellants and other co-accused persons forcibly cut the *Shisham* tree from the land of the informant and when she opposed, they assaulted informant and her husband. The informant and her husband were again assaulted by the appellants and other co-accused persons after entering into their house.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is case and counter case between the parties. The mother of the appellant no. 1 namely Manju Devi also lodged the Khodawanpur P.S Case No. 73 of 2022 against the informant and others as she and her family members were assaulted by the informant's side. The F.I.R. has been lodged after a day of delay. The occurrence took place on 30.03.2022 whereas F.I.R. has been lodged on 01.04.2022 and it creates doubt over the case of the informant. Learned counsel further submits that the mother of the appellant no. 1 is a ward member and the daughter-in-law of the informant also contested the election and she lost. Due to political rivalry, this case has been lodged. Learned counsel further submits that the injuries on the person of the informant and her husband have been found to be simple and no injury was found on the person of the informant or her

husband as alleged in the F.I.R. against this appellant Chandan Yadav. The appellants have been dragged due to political rivalry and five cases have been lodged in the years 2020 within a month of the occurrence at the instance of the informant. Charge sheet has been submitted in this case and the appellants are in custody since 18.05.2022.

Learned counsel appearing on behalf of the informant/respondent no. 2 vehemently opposes the submission made on behalf of the appellant. Learned counsel further submits that there is specific allegation against the appellants that they assaulted the informant and her husband and they hit on the head of the husband of the informant. Learned counsel further submits that the appellants are habitual offenders and are accused in a number of cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation in the background of the earlier dispute between the parties and also considering the period of custody of the appellants and submission of charge sheet against them, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (PoA), Begusarai in connection with SC/ST Case No. 07 of 2022, subject to the conditions mentioned in Section 437(3) of the

Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/daya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2022
Transmission Date	03.12.2022