

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63853 of 2021

Arising Out of PS. Case No.-10 Year-2012 Thana- SC/ST District- Darbhanga

1. Baidya Nath Yadav Son Of Late Bhagvandat Yadav R/O Trimuhani, Jarshon, P.S.- Bahera, District - Darbhanga.
2. Keshav Yadav @ Chulhai Yadav Son Of Late Bhagvandat Yadav R/O Trimuhani, Jarshon, P.S.- Bahera, District - Darbhanga.
3. Tarakant Yadav Son Of Baidya Nath Yadav R/O Trimuhani, Jarshon, P.S.- Bahera, District - Darbhanga.
4. Durga Kant Yadav Son Of Baidya Nath Yadav R/O Trimuhani, Jarshon, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Ashfaq Ahmad
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioners and learned
Special Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 448, 447, 341, 323, 304, 436, 380, 34 of the Indian Penal Code and Section 3(iii)(x) of the SC/ST (P.O.A.) Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that she was provided a land by the landlord namely Late Surya Narayan Chaudhary for which, she has a receipt also. It is next alleged that some people of the village are bent upon evicting her from the land. It is further alleged that



petitioner no.3 threatened the informant along with family members that his brother and uncle will make them evicted from the land since they are untouchables. It is further alleged that on 03.06.2012, when she was alone in her house, the petitioner nos.1, 2 and 3 entered her house and started scattering the household articles and further assaulted with lathi and fists and thereafter, petitioner nos.2 and 4 dragged her out of her house by grabbing her hair and threw her in a drain and further, asked her to clean her waste as she belongs to lower caste and even spate on her face and abused her for being a woman of lower caste.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. The police after investigation, submitted final form bearing No.09 of 2012 dated 31.08.2012, but the learned Court below differing with the police report took cognizance of the offence under Sections 341, 323, 435 and Sections 3(iii)(x) of the SC/ST (P.O.A.) Act. The learned counsel submits that one investigating agency after carrying out threadbare investigation submitted final form in favour of the petitioners and based on the same investigation which came in the case diary, the learned Court below, in a mechanical manner, proceeded to take cognizance



merely because the informant in the F.I.R. alleged that she was abused by her caste name and humiliated as aforesaid.

The learned Special Public Prosecutor opposes the anticipatory bail application, but is not in a position to rebut the submission of the learned counsel for the petitioners that the police after investigation submitted final form even.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below where the case is pending in connection with Benipur P. S. Case No.10 of 2012, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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