

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3817 of 2021**

Arising Out of PS. Case No.-40 Year-2019 Thana- SC/ST District- Madhubani

Narayan Yadav @ Ram Narayan Yadav S/O Pulkit Yadav R/o village- Kamala
Bari Pipratol, P.S.- Jaynagar, District- Madhubani

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Ms.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 17-08-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 19.01.2021 passed by learned 1st Additional Sessions Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 40 of 2019 under Sections 341, 323, 351, 379, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s), 3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, this appellant is alleged to have abused the complainant by her caste name and also assaulted her with fist and slaps. When her husband came to



save her appellant snatched his silver chain and cash of Rs. 900/- from his pocket.

It is submitted on behalf of the appellant that dispute arose over the issue of filling soil on the land of appellant. There is general and omnibus allegation. The falsity of prosecution case is apparent from the fact that the occurrence took place on 22.10.2019, but the FIR was lodged on 03.11.2019 after lapse of eleven days without any plausible explanation. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. As a matter of fact, the present case is counter blast of complaint case No. 1065 of 2019 which was lodged by the brother of appellant against the husband of informant. Appellants have got clean antecedent.

However, counsel for informant vehemently opposed the prayer for bail and submitted that appellant is named in the FIR and there is specific and direct allegation that appellant assaulted and abused the informant by taking her caste name.

Considering the backdrop in which the altercation took place and delayed lodging of the FIR, this appeal is allowed. The impugned order dated 19.01.2021 passed by learned 1st Additional District & Sessions Judge, Madhubani is set aside.



Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional District & Sessions Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 40 of 2019.

(Prabhat Kumar Singh, J)

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