

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3981 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- DHAMDAHA District- Purnia

PRANAV KUMAR YADAV S/o- DINESH YADAV R/o Village- Mugliya
Purandaha (West), P.S.- Dhamdaha, District- Purnea. Appellant/s
Versus

1. The State of Bihar
2. Rina Devi Wife of Niranjana Mandal Resident of Village-Mugaliya
Purandaha(west), Ward no-02, P.S-Dhamdaha, District-Purnia
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N.K. Agrawal, Sr. Adv. Dr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv.
For the O.P. No. 2	:	Mr.Amit Kumar Anand, Adv.
For the State	:	Mr. Vinay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 20-10-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

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

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 03.09.2021 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST, Purnea in
connection with Dhamdaha P.S. Case No. 46 of 2020 registered
for offence punishable under sections 323, 341, 379, 384,
504/34 of the Indian Penal Code and sections 3 (i) (r) 3 (2) (va)



of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the accused persons abused the informant by calling her caste name and they snatched gold chain from her neck.

The learned counsel for the appellant has submitted that the present case has been filed after two days of filing of Dhamdaha P.S. Case No. 45 of 2020 by the defense side. As a matter of fact, the members of defense side made complaint to the informant, who is Pramukh regarding non-distribution of ration by PDS dealer. The family members of the informant had assaulted the members of defense side and the above mentioned case was lodged in this regard. The learned counsel for the appellant has also submitted that the name and title mentioned in the FIR shows that the informant does not belong to the category of SC/ST.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons humiliated and intimidated the members of informant side, which attracts the provisions of SC/ST Act. The learned counsel for the informant has also submitted that the anticipatory bail petition is not maintainable, as the appellant is



on police bail and he was given the benefit of Section 41(1) (B) (ii) of Code of Criminal Procedure, 1973.

Considering the above-mentioned facts and circumstances, it appears that the investigating authorities did not require the custody of the appellant. The appellant is directed to surrender before the court below and in case he files his regular bail petition, that shall be disposed of on the same day without being prejudiced by this order in terms of judgment reported in 2004 (3) P.L.J.R. 491, *Mahendra Prasad Singh vs. State of Bihar*. The learned court below may take notice of the fact that the appellant is a person of clean antecedent and the member of defense side has filed a case against the informant and her family members, which is earlier to the present case.

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

With the above observations, this appeal is disposed of.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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