

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3474 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- LAUKAHI District- Madhubani

RAM RUP YADAV SON OF LATE BILAT YADAV Resident of Village- K
Uriban, P.S.- Laukahi, District- Madhubani (wrongly mention age of the
appellant 55 years in the F.I.R.)

... .. Appellant/s

Versus

1. The State of Bihar
2. DEV KUMAR SAFI SON OF LATE RAM ADHIN SAFI Resident of
Village- Dhabahi, P.S.- Laukahi, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Learned counsel for the appellant seeks permission

to make rectification in the cause title of the memo of appeal in

course of the day.

Permission is accorded.

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 25.08.2022 in A.B.P. No. 1325 of 2022 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge,
Madhubani in connection with Laukahi P.S. Case No. 104 of



2022 registered under Sections 447, 448, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(i)(va) of the SC/ST Act.

Learned counsel for the appellant submits that appellant is a person with clean antecedent and is aged about 75 years, though in the FIR it has been wrongly recorded as 55 years.

The informant alleges that his father and cousin brother had gone to plough the land which they had got from the government in ceiling case. Further, Tarun Dev Yadav fired causing injury to his father and cousin brother thereafter his father was taken to D.M.C.H., Darbhanga where he died during the course of treatment for which Laukahi P.S. Case No. 19 of 2003 was instituted. On 02.05.2022, when the informant along with his cousin brother were ploughing the field the accused persons including the appellant came and abused by taking caste name and threatened not to plough the field on which the informant and his cousin brother fled away. It is further alleged that on 03.05.2022 the accused persons ploughed the field and said that if the informant or his family members will come to plough the field then this time three murders will take place.

Learned counsel for the appellant submits that



appellant has been falsely implicated in the present case. It is further submitted that appellant is a senior citizen aged about 75 years and till 75 years he was a person with clean antecedent and all of a sudden based on a general and omnibus allegation has been made a criminal. It is next submitted that the alleged Laukahi P.S. Case No. 19 of 2003 was instituted in the year 2003 and from 2003 till 01.05.2022 there was no dispute which amply demonstrates that the informant by way of afterthought instituted the present case with a view to grab the land as the land belongs to the appellant as would be evident from Annexure-2 to the memo of appeal. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then hurling of abuses and threatening given on 03.05.2022 was not in presence of the informant or his family members rather it is alleged that they came to know about the occurrence and, as such, it is next submitted that prima facie no offence under the SC/ST Act is made out.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellant, let the appellant, above named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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