

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3521 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- BABUBARHI District- Madhubani

1. Fuldev Yadav @ Fuldev Devi Son of Yogendra Yadav Resident of village - Jagarnathpur, P.S.- Babubarhi, District - Madhubani.
2. Nathun Yadav @ Nathuni Yadav Son of Bansi Lal Yadav Resident of village - Jagarnathpur, P.S.- Babubarhi, District - Madhubani.
3. Shambhu Kumar Yadav @ Shambhu Yadav @ Shambhu Sharan Son of Dayanand Yadav @ Dayanand Dinkar Resident of village - Jagarnathpur, P.S.- Babubarhi, District - Madhubani.
4. Raushan Yadav @ Raushan Kumar Yadav Son of Madan Prasad Yadav Resident of village - Jagarnathpur, P.S.- Babubarhi, District - Madhubani.
5. Ravindra Yadav @ Ravindra Yadav Son of Braham Yadav Resident of village - Jagarnathpur, P.S.- Babubarhi, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sobha Devi Wife of Ramnath Ram Resident of village - Jagarnath Ram, P.S.- Babubarhi, District - Madhubani, Mobile No.- 9939353016.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinay Kumar, Advocate Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Bhavesh Kumar Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2022 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 04.08.2022 in A.B.P. No. 906/2022 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani, in connection with Babubarhi P.S. Case No. 91 of 2022 registered under Sections 143, 341, 323, 307, 354(B), 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(wi), 3(2)(va) of SC/ST Act, 1989.

As per prosecution case, in brief is that the informant file a written/type petitioner alleging therein inter-alia there in that on 09.05.2022 informant's husband was going to Barail Chowk by bicycle when her husband reached Jagarnathpur Ramtol Ashoka tree, in the meantime appellant and others come with motorcycle and pushed with motorcycle of informant husband. Thereafter, informant husband told why you push me with motorcycle, then Raushan Kumar Yadav, Om Prakash Yadav, Shambhu Kumar Yadav assaulted with feets and slaps and also abuse by caste name.

Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. that the appellants have assaulted the informant and their family members and they have also used the abuse word against them. He further submits that the injury report of the injured persons suggest that all the injuries are simple in nature and they have not abuse the informant and their



family members, so no case is made out under the provisions of S.C./S.T. Act.

The learned counsel for the informant as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that the appellants have assaulted the informant and their family members and they sustained injuries and appellant carries one criminal antecedent other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellants, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Babubarhi P.S. Case No. 91 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically



present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 04.08.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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