

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4903 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- SC/ST District- Khagaria

Ram Pravesh Yadav, Son of Parmanand Yadav, Resident of Village -
Badlaghat (Near Station), P.s.- Mansi, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi, Wife of Gopal Paswan, R/o vill- Balha ward no-12, P.S.-Mansi
Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-08-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Though the *Vakalatnama* of learned counsel for the
respondent no. 2 is on record but none is present on her behalf.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 08.10.2021 passed by the learned Additional
Sessions Judge-1st Khagaria in connection with SC/ST P.S.



Case No. 05 of 2021, registered for the alleged offences under Sections 341, 448, 354, 504, 506, 323, 379 and 34 of the Indian Penal Code and Sections 3 (R)(5), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellant entered into the house of the informant and caught her hand and dragged her. When the informant opposed him, the appellant abused the informant by taking her caste name.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case as dispute arose over purchase of some land which the informant also wanted to purchase at lower price. Due to this land dispute, false case has been instituted by the informant to put pressure upon the appellant. The allegations are quite general and no specific overt act has been attributed against this appellant, except that he tried to pull away the informant. Other allegations are of assault with slaps and fists to the husband of the informant. There would be no application of SC/ST (POA) Act against the appellant. Whole occurrence took place in the house of the informant and not in public view. There has been delay in registering of FIR as for an occurrence of 27.02.2021, the FIR has been registered only on 06.03.2021 which creates



doubt over the prosecution case. The appellant is in custody since 24.08.2021 and the charge sheet in this case has been submitted.

Learned Spl.PP opposes the prayer for bail submitting that this appellant is a habitual offender and he was made accused in four other cases of serious nature.

Having regard to the submissions made hereinabove and considering the nature of allegation against the appellant along with the doubtful nature of the prosecution case and further considering the period of his custody and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st Khagaria in connection with Khagaria (SC/ST) P.S. Case No. 05 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (iii) The appellant will remain present on each and every date fixed by the court below.



(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	22.08.2022
Transmission Date	22.08.2022

