

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.789 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- KUTUMBA District- Aurangabad

1. VIMLESH YADAV @ VIMLESH KUMAR S/o Surendra Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)
2. Surendra Yadav S/o Ram Prasad Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)
3. Chand Deo Yadav @ Chandradeo Yadav S/o Dondhi Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)
4. Arvind Yadav @ Arvind Kumar Son of Chand Deo Yadav @ Chandradeo Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)
5. Sarjun Yadav @ Sarjun Kumar S/o Chand Deo Yadav @ Chandradeo Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)
6. Suresh Yadav @ Suresh Kumar S/o Dondhi Yadav Resident of Village- Haneya, P.S.- Kutumba, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi W/o Lalit Paswan Resident of Village- Haneya, P.S.I- Kutumba, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP
	:	Mr. Praveen Kumar
	:	Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

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 16.02.2022 in A.B.P. No. 182 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Kutumba P.S. Case No. 204 of 2021 registered for the offences punishable under Sections 341, 323, 448, 504, 379 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(ii)(v) of the SC/ST Act.

The informant alleges that on 10.12.2021 at about 7:00 pm, when she was standing at her door, the accused persons, including the appellants, came and Bimlesh Yadav started abusing her which was protested on which the accused persons started abusing her with caste name and assaulted her with *lathi-danda* causing injury on her head and thereafter Surendra Yadav snatched gold chain of the informant.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that the present case presents a sordid affair of state where willy litigants like the informant try to misuse a beneficial legislation which was enacted by the legislature for the benefits of the S.C./S.T. as they were considered exploited for centuries, learned counsel next submits that now litigants like informant



have become wise and they have started exploiting innocent persons by implicating them in false cases.

Learned counsel for the appellants further submits that the F.I.R. does not even remotely suggest that what abuse was hurled on the informant, it is next submitted that even presuming what has been alleged is true, without admitting, then the entire occurrence took place at the door of the informant and thus was not in public view as such rigours of S.C./S.T. Act is not attracted in the present case nor the F.I.R. even remotely suggests that as to why the occurrence took place, because for any occurrence to take place there has to be a reason or motive, which further demonstrates that it was nothing but an attempt on the part of the informant to misuse the benefits enshrined in the S.C./S.T. Act. Learned counsel next submits that there is no injury report on record and as far as allegation of snatching golden chain of the informant is alleged, the same is ornamental in nature.

Learned Spl. P.P. for the State and the learned counsel for the informant oppose the application of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence was not in public view.



In view of the submissions made by the learned counsel for the appellants, the order dated 16.02.2022 in A.B.P. No. 182 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Kutumba P.S. Case No. 204 of 2021 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Kutumba P.S. Case No. 204 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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