

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5660 of 2019

Arising Out of PS. Case No.-416 Year-2019 Thana- SAHPUR District- Patna

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Bachchu Yadav @ Bachchu Prasad Yadav, Son of Late Rajendra Yadav @ Rajendra Prasad Yadav, Resident of Village Ushari, P.S. Shahpur, District Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anita Devi, Wife of Chhote Lal Das, Village Usari, P.S. Shahpur, District Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kaushal Kishore Sinha
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 28-01-2022 Heard learned counsel for the appellant and learned Special P.P. for the State through virtual court proceedings.

By order dated 16.12.2021, notice had been issued to respondent no.2. The office points out that the notice has validly been served upon respondent no.2, but nobody appears on behalf of respondent no.2.

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 of anticipatory bail vide order dated 14.11.2019, passed by learned Additional Sessions Judge-XX-cum-Special Judge (SC/ST), Patna in connection with Shahpur P.S. Case No.416 of 2019, registered under Sections 341, 323, 354, 379,



427, 504, 506, 307 of the Indian Penal Code and 3(1)(r)(s) of the SC/ST Act.

The appellant and his son are said to have forcibly entered into the shop of the informant and tried to outrage the modesty of the informant and her daughter. When the informant raised alarm, the appellant and his son abused the informant by naming her caste. The appellant also assaulted the informant by means of butt of a gun on her head.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in para 3 of the memo of appeal. The appellant is a government employee working in Railway Division, Danapur as Helper. It is submitted that the occurrence is said to have taken place in the shop of the informant, which is not a public place. It is submitted that similarly situated co-accused person has already been enlarged on anticipatory bail vide order passed in Criminal Appeal (SJ) No.5637 of 2019, dated 07.01.2020. It is also submitted that the allegation in the FIR is general and omnibus. Learned counsel for the appellant submits that there is land dispute between the parties with respect to drain and road and due to that the present FIR was lodged implicating the appellant on the basis of false story. The daughter-in-law of the



appellant filed complaint case in the court of learned ACJM, Danapur being Complaint Case No.1910(C) of 2019, which is pending for consideration.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the facts aforesaid, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XX-cum-Special Judge (SC/ST), Patna in connection with Shahpur P.S. Case No.416 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Anjani Kumar Sharan, J.)

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