

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.495 of 2023**

Arising Out of PS. Case No.-39 Year-2022 Thana- SC/ST District- Lakhisarai

MAHENDRA YADAV Son of Late Dukhan Yadav Resident of Village-  
Itahari, P.S.- Kiul, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Banti Devi Wife of Pramod Paswan Resident of Village- Itahari, P.S.- Kiul,  
District- Lakhisarai

... .. Respondent/s

**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Appellant/s  | : | Mr. Parmanand Pd. Nr. Sahi, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, Special P.P.      |
| For the Informant    | : | Mr. Umesh Prasad, Advocate           |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      11-07-2023                      Heard learned counsel for the appellant and learned  
  
Spl. P.P. for the State along with learned counsel for the  
  
informant.

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 13.12.2022 in A.B.P. No. 1200 of 2022 passed by the  
learned 1st Additional Sessions Judge-cum-Special Judge  
S.C./S.T. (POA) Act, Lakhisarai in connection with SC/ST P.S.  
Case No. 39 of 2022 registered for the offences punishable  
under Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on account of dispute relating to land, the appellant along with other accused persons came and assaulted her by *lathi* and *danda* and took away a box containing cloth and Rs. 10,000/-

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting, then the entire occurrence took place at the house of the informant and thus was not in public view and as far as the allegation of taking away a box containing cloth and Rs. 10,000/- is alleged, the same is ornamental in nature.

Learned Spl. P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the appellant. Learned counsel for the informant submits that the appellant has not approached this Court with clean hands as appellant has concealed his criminal antecedent.

In view of the submissions made by the learned counsel for the appellants, the order dated 13.12.2022 in A.B.P. No. 1200 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Lakhisarai in



connection with SC/ST P.S. Case No. 39 of 2022 is hereby set aside and the 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 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 SC/ST P.S. Case No. 39 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**Accordingly, the appeal stands allowed.**

However, in the event before accepting the bail bonds of the appellant, the learned Trial Court shall verify the criminal antecedent of the appellant and in the event, if it is found that the appellant has criminal antecedent of even one case then the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

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