

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2204 of 2023

Arising Out of PS. Case No.-906 Year-2022 Thana- NAWADA District- Nawada

RAKO YADAV SON OF CHANDESHWAR PRASAD YADAV, R/O-MOTI
BIGHA, P.S.-NAWADA TOWN, DISTT.-NAWADA.

... .. Appellant/s

Versus

1. The State of Bihar
2. REKHA DEVI WIFE OF ARUN CHAUDHARY R/O-GONAWA, P.S.-
NAGAR, DISTT.-NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Man Mohan Kumar, Adv. Mr. Gajendra Kumar Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-10-2023 Heard Mr. Man Mohan Kumar, learned counsel

for the appellant and learned counsel for respondent No. 2 as

well as Mrs. Usha Kumari 1, learned Special Public Prosecutor

for the State.

2. This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order dated
20.02.2023, passed by learned Exclusive Special Court SC/ST,
(POA), Nawada in connection with Nawada Town P.S. Case
No.906 of 2022, registered under Sections 147, 148, 149, 341,
323, 325, 337, 338, 307, 504, 506 of the Indian Penal Code,
Section 3(i)(r)(s)/3(2)(v-a) of SC/ST (POA) Act and section 27



of the Arms Act, whereby the prayer for pre-arrest bail of the appellant has been rejected.

3. As per allegation, the accused persons were forcibly encroaching the land of the informant. When she objected, they forcibly entered into her house and assaulted her and her father-in-law by means of *Lathi* and stones and also abused by calling her caste name. They also fired, but it did not hit the informant and her father-in-law. Thereafter, the villagers came there and then the accused persons fled away from there after giving threatening to kill them.

4. Learned counsel for the appellant submits that the appellant has clean antecedent. He has falsely been implicated in the present case. The allegation, as alleged in the FIR, is false and fabricated and the appellant has not committed any offence as alleged in the FIR. He next submits that from perusal of the FIR, it appears that the appellant is not named in the FIR and his name has transpired during the course of investigation and there is no specific allegation of any assault or overt act attributed against the appellant and no case is made out under the SC/ST (POA) Act against the appellant. Hence, the appellant may be granted the privilege of pre-arrest bail.

5. On the other hand, learned counsel for the



respondent No. 2 and learned Special Public Prosecutor have vehemently opposed the prayer for bail and submit that the appellant is a person, who was accompanying with the other accused persons.

6. Considering the above-mentioned facts and circumstances of the case, let the above-named appellant, in the event of his arrest or surrender within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Court SC/ST, (POA), Nawada in connection with Nawada Town P.S. Case No.906 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his bail bond.



And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

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

(Rajesh Kumar Verma, J)

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