

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.198 of 2023

Arising Out of PS. Case No.-329 Year-2022 Thana- RAFIGANJ District- Aurangabad

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1. JITENDRA YADAV Son of Sidheshwar Yadav Resident of village - Kapur Bigha, P.S.- Rafiganj, District - Aurangabad (Bihar).
 2. Mukesh Kumar Son of Naresh Yadav Resident of village - Kapur Bigha, P.S.- Rafiganj, District - Aurangabad (Bihar).
 3. Kundan Kumar Son of Jitendra Yadav Resident of village - Kapur Bigha, P.S.- Rafiganj, District - Aurangabad (Bihar).
 4. Chandan Kumar Son of Jitendra Yadav Resident of village - Kapur Bigha, P.S.- Rafiganj, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Chimanti Devi Wife of Ajay Paswan Resident of village - Kapur Bigha, P.S.- Rafiganj, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-07-2023 Heard learned counsel for the appellants and learned Spl. P.P. for the State alongwith 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 07.12.2022 in A.B.P. No. 2078 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge



S.C./S.T. (POA) Act, Aurangabad in connection with Rafiganj P.S. Case No. 329 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that appellants abused her by taking caste name and assaulted her husband causing injury on head and finger .

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted from perusal of the allegation as alleged in the FIR, it would manifest that the FIR does not even remotely suggest that the occurrence was witnessed by any witnesses, it is next submitted that even presuming what has been alleged is true without admitting the injury suffered by the injured is simple in nature.

Learned Spl.P.P. for the State alongwith learned counsel for the informant opposes the prayer for anticipatory bail of the appellants and submits that the appellants have not approached this Court with clean hands, it is further submitted that the appellant No. 1 and 2 have criminal antecedent but in the appeal it has been pleaded that they are persons with clean



antecedent. It is next submitted that even the injuries suffered by the injured is grievous in nature though it has been submitted by the learned counsel for the appellants that the injuries suffered by the injured is simple.

In view of the submissions made by the learned counsel for the appellants, the order dated 07.12.2022 in A.B.P. No. 2078 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Rafiganj P.S. Case No. 329 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) each 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 Rafiganj P.S. Case No. 329 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

However, the learned trial court before accepting the bail bond of the appellants shall verify the criminal antecedents of all the appellants and in the event, if it is found that any



appellants has antecedent then the bail bonds of the appellants shall not be accepted and the present order shall not be given effect to.

(Satyavrat Verma, J)

Adnan/-

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