

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.452 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Randhir Yadav @ Randhir Kumar Son of Late Karu Yadav R/o vill - Sihda,
P.S. - Rafiganj, Distt. - Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Daulati Devi W/o Hiralal Ravidas R/o vill - Sihda, P.S. - Rafiganj, Distt. -
Aurangabad, Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-05-2024 1. Heard learned counsel for the appellant and Mr.
Binay Krishna learned Special Public Prosecutor for the State.
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 for anticipatory bail vide
order dated 04.12.2023 in A.B.P. No. 2269 of 2023 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge
SC/ST Act, Aurangabad, Bihar in connection with Complaint
Case No. 28 of 2023 registered under Sections 323 and 341/34
of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)
(va) of the SC/ST Act.
3. Learned counsel for the appellant submits that



appellant has antecedent of one case and has been falsely implicated in the present case by the complainant. It is further submitted that the complainant alleges that on 12.03.2023 while the Barat party of her son reached near the house of Pramod Yadav when the accused persons starting abusing by caste name and even snatched suitcase containing ornaments worth Rs.52,900/- along with the bridal clothes and thereafter they fled away firing in the air.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the present case by the complainant. It is further submitted that though the complainant alleges that the police was informed and thereafter registered notice was also sent to the Superintendent of Police when the concerned police station did not take the FIR but then no documentary evidence has been annexed with the complaint to suggest that the Superintendent of Police was also informed about the occurrence by registered post. It is next submitted that had an FIR been instituted then the police could have investigated the case fairly. It is also submitted that if the police did not institute the FIR then the complainant could have prayed for sending the complaint to the concerned police station for instituting an FIR but then the same was not done which casts



an aspersion on the case of the complainant.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail and submits that the cognizance has been taken as such prayer for anticipatory bail is not maintainable.

6. Considering the submissions, the Court is not inclined to entertain the prayer for anticipatory bail of the appellant. Hence, the same is rejected.

7. However, if the appellant surrenders on or before 27.05.2024, the learned trial court shall dispose of the case on the same day.

(Satyavrat Verma, J)

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