

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.535 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- SC/ST District- Gaya

1. Prakash Yadav @ Jai Prakash Kumar Son of Ram Bhajan Yadav Resident of Village - Dubahal, P.O. - Chandchaura, P.S. - Magadh Medical, District - Gaya.
2. Vivek Kumar @ Nandu Yadav Yadav Son of Ram Bhajan Yadav Resident of Village - Dubahal, P.O. - Chandchaura, P.S. - Magadh Medical, District - Gaya.
3. Arvind Yadav @ Arvind Kumar Son of Ram Bhajan Yadav Resident of Village - Dubahal, P.O. - Chandchaura, P.S. - Magadh Medical, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Raj Kumar Manjhi Resident of Village - Dubahal, P.O. - Chandchaura, P.S. - Magadh Medical, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Chandra, Advocate
For the State	:	Mr.Binay Krishna, Spl. P.P.
For Respondent No. 2	:	Mr. Atul Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 02-08-2024

An explanation in terms of order dated 12.07.2024 has been received from the office.

2. Office was directed to clarify why the matter was not listed for almost two years despite specific direction of the learned Co-ordinate Bench. In the explanation it has been submitted that the concerned A.S.O. was promoted to the A.S.O. from Daftary in January, 2022 and due to his inexperience the matter could not be placed before the Bench in terms of the order of learned Co-ordinate Bench. I find explanation to be without any merit.

3. However, considering the pendency of the cases



before this Bench, I do not want to burden myself with administrative matter and for this reason direct the learned Registrar General to look into the matter and take appropriate action and also ensure that in future such type of occurrence is not repeated.

4. Heard learned counsel for the appellants, learned Spl.PP for the State and learned counsel for the respondent no.2.

5. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 21.01.2022 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 122 of 2022, arising out of SC/ST P.S. Case No. 30 of 2021, registered for the alleged offences under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)/3(2)(v-a) of the Scheduled Castes and Scheduled Tribes Act.

6. As per the prosecution case, the allegation against the appellants is that they and other co-accused persons assaulted the informant, a Scheduled Caste lady, and abused her by her caste name. The occurrence took place in the background of some land dispute.

7. The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this



case. The appellants Prakash Yadav and Vivek Kumar are teacher and Ph. D scholar, respectively. Appellant Arvind Yadav is doing business. On the alleged date of occurrence, these appellants were not even present in their village. However, in order to implicate whole of the family, the instant case has been lodged. The present case has been instituted at the behest of Birendra Yadav, who is the cousin of the appellants with whom the petitioners are having land dispute. A number of criminal cases have been lodged by the appellants' side against said Birendra Yadav and others. Said Birendra Yadav has set up the present informant and got the present case lodged under the provisions of SC/ST (Prevention of Atrocities) Act. Learned counsel reiterates that no occurrence as alleged has ever taken place. The allegation against appellant Prakash Yadav of tearing the clothes of the informant and disrobing her before the parents and brothers is not believable. There is no allegation against the other appellants. Learned counsel further submits that earlier co-accused Satyendra Kumar has been granted anticipatory bail vide order dated 13.06.2022 passed in Criminal Appeal (SJ) No. 323 of 2022, whereas the parents of the appellants have been granted anticipatory bail vide order dated 14.07.2022 passed in Cr. Misc. No. 277 of 2022 by a Co-ordinate Bench.

8. Learned Spl. PP as well as learned counsel for the



respondent no. 2 oppose the submission made on behalf of the appellants. Learned counsel for respondent no. 2 submits that the specific allegation against appellant Prakash Yadav is of disrobing the informant and whole occurrence took place in the village which is a public place where the informant was humiliated and disrobed by the appellants.

9. Having regard to the submissions made on behalf of the parties and considering the background of land dispute and also considering the fact of ongoing litigation between the land owner of the informant and his agnates, the appellants herein, and considering the possibility of false implication, let the appellants above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 30 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on



each and every date fixed by the court below,
if so required by the learned trial court.

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

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.08.2024
Transmission Date	05.08.2024

