

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.465 of 2024**

Arising Out of PS. Case No.-795 Year-2023 Thana- PATRAKARNAGAR District- Patna

ASHISH CHANDRA YADAV @ SATYENDRA YADAV S/O RAMSAKAL  
RAI R/O GATE NO. 15, OLD KANKARBAGH, P.S- PATRAKAR NAGAR,  
DISTT.- PATNA.

... .. Appellant/s

Versus

1. The State of Bihar
2. MISS RANI KUMARI D/O CHANDRA DEV PASWAN R/O MUNNA  
CHOWK, BANKMAN'S COLONY, P.S - PATRAKAR NAGAR, DISTT. -  
PATNA.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Sri Nawal Kishore Agrawal, Sr. Advocate  
Sri Saket Tiwary, Advocate  
For the Respondent/s : Sri Sadanand Paswan, Spl.P.P.  
Sri Shashank Chandra, Advocate

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

2      06-05-2024                      1. Heard Sri Nawal Kishore Agrawal learned Senior  
Counsel for the appellant, Sri Sadanand Paswan learned Special  
Public Prosecutor for the State and Sri Shashank Chandra  
learned counsel appearing on behalf of the respondent no. 2.

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 03.01.2024 in A.B.P. No. 11176 of 2023 passed by  
the learned Exclusive Special Court, SC/ST Act, Patna in  
connection with Patrakar Nagar P.S. Case No. 795 of 2023  
registered under Sections 341, 323, 379, 504, 506 and 427/34 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 appearing on behalf of the respondent no. 2, at the outset, submits that the appellant has not approached this Court with clean hands. It is further submitted that appellant, at para 3 of the memo of appeal, has disclosed four antecedents when he has antecedent of six cases. It is next submitted that Patrakar Nagar P.S. Case No. 493 of 2001 and Buddha Colony P.S. Case No. 180 of 2008 have not been disclosed in the memo of appeal by the appellant. It is also submitted that those two cases relates to kidnapping and rape. It is further submitted that the police has already submitted charge-sheet in the aforesaid two cases as such it cannot be presumed that appellant was not aware of the pendency of those two cases. It is next submitted that appellant had approached this Court by filing Cr. Misc. No. 5983 of 2022 for seeking regular bail in Patrakar Nagar P.S. Case No. 493 of 2001 and was granted the privilege of bail by an order dated 28.02.2002 which amply demonstrates that appellant was aware of the pendency of the aforesaid case.

4. Learned counsel for the respondent no. 2 further submits that the conduct of the appellant can well be appreciated



from the fact that the order impugned dated 03.01.2024 records that appellant has antecedent of only one case i.e. Patrakar Nagar P.S. Case No. 797 of 2023 when he had antecedent of six cases as such even before the learned trial court he did not disclose the five cases which were pending against him which amply demonstrate that the effort of the appellant was only to seek anticipatory bail at any cost. Learned counsel thus submits that the Court should not entertain the application of such persons who do not approach the Court with clean hands.

5. Learned Special Public Prosecutor also supports the submissions made on behalf of the learned counsel appearing on behalf of the respondent no. 2 that Court should not entertain the application of such persons who do not approach the Court with clean hands.

6. Learned Senior Counsel for the appellant is not in a position to rebut the submission of the learned counsel appearing on behalf of the respondent no. 2 that before the learned trial court the criminal antecedent of the appellant was not disclosed which stands disclosed in the present memo of appeal.

7. After making argument, learned Senior Counsel for the appellant seeks permission to withdraw the appeal.



- 8. Permission is accorded.
- 9. Accordingly, this appeal is dismissed as withdrawn.

(Satyavrat Verma, J)

Kundan/-

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