

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1838 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- SC/ST District- Aurangabad

MADAN YADAV SON OF LATE NATHUNI YADAV RESIDENT OF
VILLAGE - JASOIYA TOLE KANHAI BIGHA, P.S.- AURANGABAD
TOWN, DISTRICT AURANGABAD

... .. Appellant/s

Versus

1. THE STATE OF BIHAR, PATNA
2. RAM LAGAN RAM SON OF LATE DUKHAHARAN RAM RESIDENT
OF VILLAGE - JASOIYA TOLE KANHAI BIGHA WARD NO.1, P.S.-
AURANGABAD TOWN, DISTRICT AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 18-11-2024 1. Heard learned Counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 16.03.2023, passed by learned Special
Judge SC/ST -cum- Additional Session Judge I,
Aurangabad, in ABP No. 388 of 2023, is under challenge
in the present appeal preferred under Section 14-A (2) of
the Schedule Caste and Schedule Tribes (Prevention of
Atrocities) Act, 1989, whereby the anticipatory bail
application of the appellant in connection with SC/ST
Police Station Case No. 04 of 2023 for the offence
punishable under Sections 323/341/504/379/506/34 of the
Indian Penal Code and Section 3 (1)(r)(s) and 3(2)(va) of



the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 21.02.2023, when the informant came out from his house, he saw that labourers of appellant were carrying stones-chips kept near the house of the informant. The appellant runs a school in the name and style of Golden School and stones-chips were being stolen for construction of the school building. After objection, the labourers returned stone-chips to the informant. Thereafter, the appellant came there abused and assaulted the informant and called by his caste name.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to dispute between both the parties regarding keeping heaps of stone-chips in front of the road, where the school of the appellant is situated. Stone-chips were kept for last two years as per the statement made in the First Information Report itself, which was creating hindrance in thoroughfare of the students and other passersby. He next submits that the appellant requested the informant to remove the stone-chips upon which this false and



concocted case has been lodged. He further submits that there is delay of four days in lodging the First Information Report inasmuch as occurrence took place on 21.02.2023, but First Information Report has been lodged on 25.02.2023. The allegation against the appellant of calling caste name is not in full public view, but the same is near the house of the informant.

5. Despite service of notice, no one appears on behalf of the respondent no. 2.
6. On the other hand, learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact the dispute arose between the parties due to keeping of stone-chips on the road by the informant, where the appellant runs his school, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 16.03.2023, passed by learned Special Judge SC/ST -cum- Additional Sessions Judge I, Aurangabad, in ABP No. 388 of 2023, is set aside.



9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST -cum- Additional Sessions Judge I, Aurangabad, in connection with SC/ST Police Station Case No. 04 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

