

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1983 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- AMAS District- Gaya

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1. Ravi Yadav @ Raviranjana Kumar, aged about 22 years, Gender-Male, Son of Rambilash Yadav @ Bilas Yadav, Resident of village-Khaira, P.S. - Amas, Distt. - Gaya.
 2. Vithal Yadav @ Sonu Kumar, aged about 19 years, Son of Upendra Yadav, Resident of village - Khaira, P.S. - Amas, Distt. - Gaya.
 3. Satyendra Yadav, aged about 50 years, Gender-Male, Son of Late Jagnarayan Yadav, Resident of village - Khaira, P.S. - Amas, Distt. - Gaya.

... .. Appellants

Versus

1. The State of Bihar.
2. Barti Kumari, D/o Mukesh Kumar, Resident of village - Khaira, P.S. - Amas, Distt. - Gaya.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Sanjay Kumar, Advocate
For the Respondent No.2:		M/S. Praveen Kumar, Raju Kumar Singh and Anju Kumari Sinha, Advocates
For the Respondent	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 12-01-2024 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail of the appellants vide order dated 24.03.2023, passed



by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 57 of 2023 in connection with Amas P.S. Case No. 46 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506, 308, 354, 354C of the I.P.C. and Sections 3(1)(r)(s) of the SC/ST Act.

3. The prosecution case, in brief, is that the appellants and the co-accused persons are alleged to have used obscene words and teased the informant whenever she goes outside the house. When the informant and the female members of her house go for call of nature then the co-accused Satyendra Yadav watches them from the field. On protest, all the accused persons abused them calling their caste name and threatened to leave the village and assaulted them.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that there is land dispute between the parties. The informant wants to grab a portion of land bearing Khata No. 61, Plot No. 92, Area-10 decimals which was protested by the appellants due to which this false case



has been lodged by the informant. It is further alleged that the appellants have filed several representations before the concerned police station as well as before the concerned Circle Officer. It is further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 24.03.2023, passed by learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 57 of 2023 in connection with Amas P.S. Case No. 46 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged



on anticipatory bail on furnishing bail bond of Rs. 20,000/-
(Rupees Twenty Thousand) each with two sureties of the
like amount each to the satisfaction of the learned Exclusive
Special Judge, SC/ST, Gaya in connection with Amas P.S.
Case No. 46 of 2023, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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