

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2871 of 2023

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

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1. Mohan Yadav Son of Late Baban Yadav Resident of village - Domath, P.S. - Sahodara, Distt. - West Champaran
 2. Nagendra Yadav @ Narendra Yadav Son of Sri Mohan Yadav Resident of village - Domath, P.S. - Sahodara, Distt. - West Champaran
 3. Amarendra Yadav @ Amarendra Kumar Son of Sri Mohan Yadav Resident of village - Domath, P.S. - Sahodara, Distt. - West Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sangeeta Devi Wife of Sri Munna Mukhiya Resident of village - Domath, P.O.- Gaunaha, P.s. - Sahodara, Distt. - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor
		Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-07-2024 Heard the parties.

2. This appeal has been filed against the order dated 15.05.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with A.B.P. No. 839 of 2023 arising out of Bettiah SC/ST P.S. FIR No. 04 of 2023, registered under Sections 420, 406, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) (s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. As per F.I.R., 11 years ago on 15.02.2011, co-accused Ravindra Yadav received Rs. 10 lacs from the informant on a stamp paper and registered the sale deed in her favour fraudulently through someone else. It is further alleged that when the informant demanded her money back, all the F.I.R. named accused persons including these appellants abused her by caste name and threatened to assault her.

4. Learned counsel for the appellants submits that there is inordinate delay of 11 years in lodging the F.I.R. without any reasonable explanation which itself creates doubt about veracity of the case. It is next submitted that specific allegation is against co-accused Ravindra Yadav, who is said to have taken money from the informant and these appellants are only alleged to have abused the informant. Furthermore, it is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view, hence, no offence under SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with A.B.P. No. 839 of 2023 arising out of Bettiah SC/ST P.S. FIR No. 04 of 2023.

7. Accordingly, the impugned order dated 15.05.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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