

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3219 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- SC/ST District- Jehanabad

JITENDRA YADAV @ FEKAN YADAV SON OF PREM YADAV
RESIDENT OF VILLAGE- TEKARI, PS- KINJAR, DISTRICT- ARWAL

... .. Appellant/s

Versus

1. The State of Bihar
2. GYANTI DEVI WIFE OF SIDHI CHAND PASWAN RESIDENT OF
VILLAGE- TEKARI, PS- KINJAR, DISTRICT- ARWAL

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 09-12-2024 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 22.06.2023, passed by learned Additional
Sessions Judge I, Jehanabad, in ABP No. 859 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 Arwal SC/ST Police Station Case No. 09
of 2023 registered for the offence punishable under
Sections 323/504/324 of the Indian Penal Code and
Sections 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 12.04.2023, while the informant was cutting crops in her field, the appellant was crossing through the field. At about 06:30 PM, when the informant was coming back towards her home, she saw the appellant was following her and when the informant asked the reason, the appellant abused by her caste name and gave hasua (sickle) blow near her right forehead due to which she fell down.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to land dispute and malafide intention. He next submits that the appellant has a piece of land adjoined to the house of the informant on which the informant used to throw garbage and tie cattle for which time and again the appellant objected, which resulted in serious annoyance to the informant and the present First Information Report has been lodged in abuse of the process of criminal law. He further submits that injury caused to the informant is simple in nature.



5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the police, after investigation, has submitted charge-sheet, but due to stay having being granted by this Court while issuing notice, no order taking cognizance could have been passed on charge-sheet.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are co-villagers, there appears to be dispute regarding land between them and injury caused to the informant is simple in nature, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 22.06.2023, passed by learned Additional Sessions Judge I, Jehanabad, in ABP No. 859 of 2023, is set aside.
8. 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 Additional Sessions Judge I, Jehanabad, in connection with Arwal Police



Station Case No. 09 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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