

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3659 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- NARHATT District- Nawada

-
1. PRAMOD YADAV Son of Dinesh Yadav R/o vill - Olipur, P.s. - Narhat, Distt. - Nawada
 2. Dinesh Yadav Son of Balchand Yadav R/o vill - Olipur, P.s. - Narhat, Distt. - Nawada
 3. Ravindra Yadav Son of Sadhu Yadav RESIDENT OF VILLAGE PAIJANA PS AKBARPUR DISTRICT NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Chaudhary Son of Late Tulsi Chaudhary R/o vill - Olipur, P.S. - Narhat, Distt. - Nawada

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 28-11-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 05.07.2023, passed by learned Exclusive Special Court, SC/ST (POA) Act, Nawada, in ABP No. 1601 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 Narhat Police Station Case No. 233 of 2023 registered for the offence punishable under Sections



147/149/341/323/324/354B/379/307/504/506 of the Indian Penal Code and Section 3 (i)(r)(s) 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 16.05.2023, the appellants and other accused persons arrived at the house of the informant and abused him by his caste name. It has further been allged that the appellant no .1 on the gun-point confined the informant in a room and ordered to commit loot in informant's house, appellant no. 2 assaulted the daughter of the informant by means of iron-rod (sabal) on the head of the informant's daughter and appellant no. 3, who is brother-in-law of appellant no. 1, pulled the informant's daughter on the ground and with a bad intention tore her clothes.
4. Learned counsel for the appellants submits that the reason behind the occurrence is that the informant had appeared in a case against family members of appellants' side as witness. He next submits that there is inordinate delay of 08 days in lodging the First Information Report inasmuch as the occurrence took place on 16.05.2023, but the First Information Report has been lodged on 24.05.2023. He



further submits that despite lapse of about more than one year, the injury report has not been brought on record by the prosecution as injury was caused to the informant and his family members and the present First Information Report is based upon false and concocted story. He also submits that caste name by the appellants was not taken in full public view.

5. On the other hand, learned counsel for the respondent no. 2 and Special Public Prosecutor for SC/ST Act opposes the prayer for anticipatory bail of the appellants and submits that during the course of investigation, the informant has supported the prosecution story and it is true that despite best efforts by the Investigation Officer, injury report was not provided by the concerned hospital.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that caste name was not taken in full public view and the prosecution has not produced any injury caused to the informant and others, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 05.07.2023, passed by learned Exclusive Special Court,



SC/ST (POA) Act, Nawada, in ABP No. 1601 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 Exclusive Special Court, SC/ST (POA) Act, Nawada, in connection with Narhat Police Station Case No. 233 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	
---	--	---	--

