

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5041 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- COMPLAINT CASE District- Supaul

1. Rampravesh Yadav @ Rampravesh Kumar Yadav Son of Mansarovar Yadav Resident of Theho, Police Station - Kunauli (Dagmara), District - Supaul
2. Vijay Yadav @ Vijay Kumar Yadav Son of Late Mishrilal Yadav Resident of Kamalpur, Police Station - Kunauli, District - Supaul
3. Hitu Sah @ Adhyaksh Narayan Sah Son of Dipnarayan Sah @ Deep Narayan Sah Resident of Kunauli, Police Station - Kunauli, District - Supaul
4. Arvind Gupta @ Arvind Kumar Gupta Son of Late Baijnath Gupta Resident of Kunauli, Police Station - Kunauli, District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Arti Devi Wife of Jiwach Ram Resident of Kunauli, Police Station - Kunauli, District - Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-11-2024 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor for the State.

2. An order, dated 12.09.2024, passed, by learned Additional Sessions Judge-I, Supaul, in A.B.P. No. 931 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Complaint Case No. 98C of 2023, registered for the offences punishable under Sections 323/379/354(B)/504 of the Indian Penal Code



and Section 3 (i)(r)(s)(w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that complainant gave a sum of Rs. 32,000/- to the appellant no. 1 through appellant no. 4 for acquiring bricks. When the complainant asked her money back, the appellants told that they would deliver the bricks. On 25.09.2023, at about 06:00 PM, when the appellants were sitting at the doorstep of appellants no. 4, the complainant again asked her money back, however, the appellants surrounded the complainant on her way while she was returning home and hurled caste based abuses and on orders of appellant no. 1, the appellant no. 2 disrobed her and appellant no. 3 dragged her by hair. It has further been alleged that the appellant no. 1 tore complainant's cloth and the appellant no. 4 snatched her silver chain.

4. Learned counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of false and concocted story and due to village politics. There is general and omnibus allegation against the appellants for hurling caste based abuses. He next submits that there is inordinate delay of 15 days inasmuch



as the occurrence took place on 25.09.2023, whereas, the complaint has been filed on 09.10.2023.

5. Having heard learned Counsel for the parties and taking into consideration the fact that the learned Special Court has taken cognizance under the provisions of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, finding prima facie case against the appellants and in view of the decision of the Supreme Court, in the case of **Bachu Das v. The State of Bihar and Others**, reported in **(2014) 3 SCC 471**, this appeal, for grant of anticipatory bail, is not maintainable.

6. Accordingly, this appeal is dismissed and the order, dated 12.09.2024, passed, by learned Additional Sessions Judge I, Supaul, in A.B.P. No. 931 of 2024, is hereby affirmed.

7. However, it is made clear that if the appellants surrender and seek regular bail, the same shall be considered on its merit, if possible on the same date, without being prejudiced with the fact that this Court has dismissed the anticipatory bail application of the appellants as not maintainable.

(Anil Kumar Sinha, J)

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