

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5413 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Dilip Kumar Yadav @ Dilip Kumar Son Of Late Pramod Yadav Resident Of Village- Sihada, Ps- Rafiganj, Dist- Aurangabad
 2. Deepak Kumar Yadav @ Deepak Kumar Son Of Late Pramod Yadav Resident Of Village- Sihada, Ps- Rafiganj, Dist- Aurangabad
 3. Devashish Kumar Yadav Son Of Late Pramod Yadav Resident Of Village- Sihada, Ps- Rafiganj, Dist- Aurangabad
 4. Dhananjay Yadav @ Son Of Dasai Yadav Resident Of Village- Sihada, Ps- Rafiganj, Dist- Aurangabad
 5. Manoj Yadav @ Manoj Kumar Yadav Son Of Chhathan Yadav Resident Of Village- Sihada, Ps- Rafiganj, Dist- Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-06-2024 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 17-10-2023 in A.B.P. No. 1978/23 passed by the
learned Special Judge, SC/ST-cum-1st Additional District and
Sessions Judge, Aurangabad in connection with Complaint Case



No. 28/23 registered for the offences punishable under Sections 323, 341 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 20-6-2024, it would manifest that the same records that notice has been received by the son of the Respondent No. 2.

4. Since the notice has been received by the son of the Respondent No. 2, as such, it is deemed to have been validly served.

5. It is next submitted that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the complainant. It is further submitted that the complainant alleges that on 12-3-2023, while the marriage procession of her son reached near the house of Pramod Yadav, when the accused persons, including the appellants, started abusing by caste-name and even snatched suitcase containing ornaments worth Rs. 52,900/- along with the bridal clothes and thereafter, the accused person fled away firing in the air.

6. The learned counsel for the appellants submits that the complainant in the complaint alleges that the police was informed about the occurrence but FIR was not registered.



Thereafter, registered notice was also sent to the Superintendent of Police, but then also, the concerned police station did not take the FIR. It is next submitted though such allegations are there in the complaint, but then there are no documentary evidence annexed with the complaint to substantiate that the Superintendent of Police was also informed about the occurrence by the registered notice. It is next submitted that had an FIR been instituted, then the police would have investigated the case fairly. It is also submitted that if the police did not institute the FIR, then the complainant could have prayed before the learned Magistrate for sending the complaint to the concerned PS for instituting an FIR, but then the same was also not prayed, which casts an aspersion on the case of the complainant.

7. The learned Spl. PP opposes the anticipatory bail application and submits that similarly situated co-accused Randhir Yadav had approached this court seeking anticipatory bail by filing Cr. APP (SJ) No. 452 of 2024 wherein a specific stand was taken on behalf of the state that cognizance of offence has been taken by the learned trial court as such prayer for anticipatory bail is not maintainable and this court, while considering the submission of the learned Spl. PP, was pleased



to reject the Cr. APP (SJ) No. 452 of 2024 by order dated 2-5-2024 with certain observation.

8. Considering the submission made by the learned Spl. PP, the court is not inclined to entertain the appeal. The prayer for anticipatory bail of the appellants is rejected.

9. However, if the appellants surrender on or before 22-7-2024, the learned trial court shall try to dispose of the case on the same day.

(Satyavrat Verma, J)

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