

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4358 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- SC/ST District- Madhubani

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1. MANAGER YADAV @ MAINEJAR YADAV S/O JIBACHH YADAV @ JIVACHH YADAV R/O VILLAGE- BOKAHA WARD NO. 6, P.S- SAHARGHAT, DISTT.- MADHUBANI.
 2. JIBACHH YADAV @ JIVACHH YADAV S/O BHOLA YADAV R/O VILLAGE- BOKAHA WARD NO. 6, P.S- SAHARGHAT, DISTT.- MADHUBANI.
 3. SAROJ YADAV @ SAROJ KUMAR YADAV S/O BINDESHWAR YADAV R/O VILLAGE- BOKAHA WARD NO. 6, P.S- SAHARGHAT, DISTT.- MADHUBANI.
 4. PUNAM KUMARI W/O MANAGAR YADAV @ MAINEJAR YADAV R/O VILLAGE- BOKAHA WARD NO. 6, P.S- SAHARGHAT, DISTT.- MADHUBANI.

... .. Appellant/s

Versus

1. The State of Bihar
2. SAVITRI DEVI W/O LATE RAMA RAM R/O VILLAGE- BOKAHA, WARD O. 6, P.S- SAHARGHAT, DISTT.- MADHUBANI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar
		Mr. Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 04-02-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.
2. Learned counsel for the appellants submits that the appellant no. 2, namely, Jibachh Yadav @ Jivachh Yadav, has died during pendency of this appeal.
3. Accordingly, the appeal in respect of the appellant no. 2 stands abated.



4. Now, this appeal only survives for the appellants nos. 1, 3 and 4.
5. An order, dated 22.08.2023, passed by learned 1st Additional Session Judge -cum- Special Judge SC/ST, Madhubani, in ABP No. 1840 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 SC/ST Police Station Case No. 54 of 2023 registered for the offence punishable under Sections 420/341/323/354(B)/504/506 of the Indian Penal Code and Section 3 (1)(r)(s)(wi)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.
6. The prosecution case, as per the First Information Report, is that the informant's husband namely, Lt. Rama Ram, was working as Khalasi (co-driver/cleaner) of the truck, bearing registration no. BR-06GF-6276, of the appellant no. 1 for the last five years. On 06.07.2023, while the informant's husband, along with the appellant no. 1, was going to Rampur Hat from Farbisganj for the purpose of



loading stones on the truck, the informant's husband died in a road accident. It has further been stated that First Information Report, bearing Ranjiganj Police Station Case No. 233 of 2023, was lodged against unknown Scorpio vehicle with regard to the road accident. Further, it has been stated that the salary of informant's husband was Rs. 10,000/- per month, out of which, Rs. 3,000/- was being paid to the deceased and Rs. 7,000/- was deducted from his salary with an assurance that the same shall be paid at the time of marriage of his daughter. On 19.07.2023, the informant demanded the deducted salary of her husband from the appellant no. 1, upon which the appellants and other accused persons started abusing the informant by her caste name and pulled down the informant on the floor by her hair and also assaulted her by means of legs, fists, shoes etc. The accused persons, including the appellants, pulled the informant's saree in order to outrage her modesty.

7. Mr. Binod Kumar, learned counsel appearing for the appellants submits that the appellants have falsely been implicated in this case due to some dispute regarding compensation demanded by the informant on the ground



of death of her husband in road accident while he was going on the truck of appellant no. 1 for loading stones. He further submits that in the First Information Report, the informant has disclosed that her husband was working as cleaner/co-diver on the truck of the appellant no. 1 for the last five years. Whereas, the truck, bearing registration no. BR-06GF-6276, itself was purchased by the appellant no. 1 from Rajasthan in the year 2023. He further submits that the informant has filed a claim application for grant of compensation of Rs. 25 Lakh before the Deputy Labour Commissioner -cum- Workmen Compensation, Muzaffarpur, against the appellant no. 1 and also upon the Manager of ICICI Lombard General Insurance Company Limited under the Workmen Compensation Act. The appellant no. 1 has appeared in the aforesaid proceedings. However, without prejudice to the right and contention of the informant, the appellant no. 1 is ready to pay a sum of Rs. 1,00,000/- in favour of informant/respondent no. 2, subject to the final out come of the case lodged by the informant under the Workmen Compensation Act before the Deputy Labour Commissioner -cum- Workmen Compensation,



Muzaffarpur.

8. On the other hand, learned counsel for the informant/respondent no. 2, vehemently opposes the prayer for anticipatory bail of the appellants and submits that after the death of the informant's husband, a Panchayati was held on 06.07.2023, in which it was decided by the Panchayat that the appellant no. 1 would pay a sum of Rs. 3,00,000/-, along with 05 (five) Katthas of land and a panchnama was duly signed by the Panches and other witnesses including the appellant no. 1. Learned counsel, however, submits that the offer so made by the appellants is accepted for the purpose of the bail application, subject to the final outcome of the award passed by the Panachayati and/or the case decided by the Deputy Labour Commissioner -cum- Workmen Compensation, Muzaffarpur, under the Workmen Compensation Act.
9. Learned counsel for the appellants objected to the submission made by learned counsel for the informant/respondent no. 2 that the award of the Panchayat was not prepared with the consent of the appellant and the fact is that informant was not one of the



parties and signatories of the award allegedly prepared by the Panchayat.

10. Having regard to the submission made by learned counsel for the parties and taking into consideration the nature of allegation and the fact that the informant's husband was the employee of the appellant no. 1 and the informant has lodged a claim under the Workmen Compensation Act before the Deputy Labour Commissioner -cum- Workmen Compensation, Muzaffarpur, I am inclined to grant the privilege of anticipatory bail to the appellants, subject to payment of a sum of Rs. 1,00,000/- in favour of the informant/respondent no. 2 by the appellant no. 1.

11. It is made clear that the amount so paid by the appellant no. 1 in favour of the informant/respondent no. 2 shall be subject to the final outcome of the compensation claim made under the Workmen Compensation Act lodged by the informant before the Deputy Labour Commissioner -cum- Workmen Compensation, Muzaffarpur. The aforesaid amount shall be paid by Bank Draft and/or Bank Transfer (NEFT/RTGS) by the appellant no. 1 in the name and bank account of the informant/respondent



no. 2 before furnishing the bail bond.

12.This appeal is, accordingly, allowed and the order, dated 22.08.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Madhubani, in ABP No. 1840 of 2023, is set aside.

13.Let the appellant nos. 1, 3 and 4, namely, Manager Yadav @ Mainejar Yadav, Saroj Yadav @ Saroj Kumar Yadav and Punam Kumari, respectively, in the event of their arrest or surrender before the Court below within six 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 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Madhubani, in connection with SC/ST Police Station Case No. 54 of 2023, subject to the aforesaid condition made in this appeal and condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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