

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4077 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- SC/ST District- Araria

Arvind Kumar @ Arvind Yadav @ Arvind Kumar Yadav S/o Tara Chand
Yadav R/o Village- Raghunath Pur, Ward no. - 15, North, P.S.- Bhargama,
Distt- Araria. Appellant/s

Versus

1. The State of Bihar
2. Kewali Devi W/o Chandeshwari Rishidev R/o Village- Raghunathpur, North
Ward no. - 14, P.S.- Bhargama, Distt- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash, Advocate
For the Respondent/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 5 28-01-2025 1. Heard learned Counsel for the appellant and
learned Additional Public Prosecutor for the State.
2. An order dated 30.09.2022, passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Araria, in
A.B.P. No. 2392 of 2022, 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 appellant in
connection with Araria (SC/ST) Police Station Case No. 38 of
2021 registered for the offences punishable under Sections
354(B) and other allied sections of the Indian Penal Code and
Sections 3 (i) (r)(s)(g) 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 lodged on 09.08.2021, is that in the morning of 21.07.2021, the appellant along with other accused persons arrived at the land of the informant and started abusing and assaulting her. The informant has further stated that the appellant's side had purchased Plot No. 13868, Khata No. 1004 having an area of 01 acre and is in possession of the same. It has further been alleged that the accused persons arrived there being armed with various weapons and started ploughing the land in question, in which jute was planted. They abused the informant by taking her caste name and also resorted to firing.

4. Learned Counsel appearing on behalf of the appellant submits that appellant has falsely been implicated in this case due to land dispute and village politics. From perusal of the First Information Report, it appears that there is land dispute between the parties and the land in question, description of which is mentioned in the F.I.R., was purchased by the family members of the appellant and it is in exclusive possession of the uncle of the appellant. He further submits that the allegation against the appellant is general and omnibus in nature, inasmuch as the appellant resides at Delhi for earning his livelihood. He also submits that the caste name was not taken in full public view.



5. Despite vakalatnama having been filed on behalf of respondent no. 2, no one appears for respondent no. 2 and on the last occasion also, no one had appeared on behalf of respondent no. 2.

6. Having regard to the submissions made by learned counsel for the appellant and taking into consideration the fact that there is land dispute between the parties, the caste name was not taken in full public view, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, this appeal is allowed and the order dated 30.09.2022, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Araria, in A.B.P. No. 2392 of 2022, is set aside.

8. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Araria, in A.B.P. No. 2392 of 2022, arising out of Araria (SC/ST) PS Case No. 38 of 2021.

(Anil Kumar Sinha, J)

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