

(2021) 02 PAT CK 0225

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 389 Of 2021

Govind Dubey @ Birendra Dubey @ Govindra Dubey And Anr

APPELLANT

 V_S

State Of Bihar

RESPONDENT

Date of Decision : 19-02-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(i)(r), 14(A)(2)

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 504

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 02 PAT CK 0225

Hon'ble Judges : Rajendra Kumar Mishra, J

Bench : Single Bench

Advocate : Bimlesh Kumar Pandey

Final Decision : Allowed

Judgement

As prayed for, let the learned counsel appearing for the appellants remove the defect(s), as pointed out by the office vide its notes dated 16.01.2021,

within four weeks of starting of Court proceeding in physical mode.

Learned counsel appearing on behalf of the appellant No.2, namely, Narayan Dubey @ Narayan Kumar Dubey seeks permission to withdraw the

application filed on behalf of the appellant No.2 as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of the appellant No.2, namely, Narayan Dubey @ Narayan Kumar Dubey is dismissed as withdrawn.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 15.10.2020 passed in

A.B.P. No. 1757 of 2020 by learned Addl. District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with

Ramnagar P.S. Case No. 302 of 2020, registered under Sections 341, 323, 504 and 307/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST

(Prevention of Atrocities) Act.

Accusation is that on 25.08.2020 daughter of informant, namely, Bindu Kumari, aged about 16 years, after grazing her she-goat, was returning home,

in the way, due to fear of dog, her she-goat moved at the door of Govind Dubey (Appellant No.1), who abused her denoting her caste â??Gourâ??.

Thereafter, Govind Dubey (Appellant No.1), Narayan Dubey and Kushum Devi started to abuse, when Bindu Kumari, daughter of informant Ranjana

Devi Gaur made protest then Sajeev Sah caught hold Bindu Kumari, daughter of informant, and laid her on the ground and torn her clothes and

assaulting her by fist and slaps and when informant came at her house after cutting grass then she found her daughter in unconscious state, who was

rushed to Ramnagar hospital, where after some treatment her daughter was referred to G.M.C.H. Behhiah, thereafter, she returned to her house due

to that reasons, she gave information on 28.08.2020 after two days.

Learned counsel appearing on behalf of appellant No.1 submits that, in fact, the she goat of informant Ranjana Devi, in course of grazing, damaged

the plants situated at the door of the appellant No.1, when complaint was made by Kushum Devi, wife of appellant No.1, then informant Ranjana Devi

and her daughter Bindu Kumari laid Kushum Devi, wife of appellant No.1, on the ground, when his son rushed then Munna Sah and Jhunna Sah tried

to press the neck of his son. Further submission is that it would appear from the F.I.R. that allegation against the appellant No.1 is to abuse the

daughter of informant at his door denoting her caste â??Gaurâ??. which is not in public view. Moreover, the allegation of causing assault to daughter

of informant is against Sajeev Sah, who is the brother-in-law of the informant.

Learned Spl. PP for the State opposed the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the above named appellant No.1, namely, Govind Dubey @ Birendra Dubey @

Govindra Dubey, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today,

on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of

the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 302 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order dated 15.10.2020 passed by the learned Addl. District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with A.B.P. No. 1757 of 2020 in respect to appellant No.1 Govind Dubey @ Birendra Dubey @ Govindra Dubey is set aside and appeal is allowed.