

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35264 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -PRATAPGANJ District- SUPAUL

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1. Kapleshwer Yadav @ Kappu Yadav
 2. Bidyanand Yadav
 3. Ganesh Yadav
 4. Dinesh Yadav Sons of Late Sewalal Yadav
 5. Bablu Kumar Yadav @ Bablu Kumar Son of Bidyanand Yadav
 6. Guddu Yadav Son of Kapleshwar Yadav @ Pappu Yadav
 7. Manjula Devi Wife of Kapleshwar Yadav @ Kappu Yadav
 8. Rampari Devi Wife of Bidyanand Yadav all are resident of Village-
Imampatti Tekuna Tola Tapra, Police Station- Pratapganj, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-09-2016 Heard Mr. Ansul for the petitioner and Special PP for
the State.

The petitioners herein are named accuseds of
Pratapganj P.S. Case no. 39 of 2016 registered under Sections
147,148,149,341,323,324,325, 379, 504 and 506 of the IPC and
Sections 3(i) (x) of the Scheduled Castes & The Scheduled Tribes
(Prevention of Atrocities) Act (for short ‘the Act’).

The allegation is that, while the informant was inside
the home, these accused persons forming an unlawful assembly,
intruded into the ‘Aangan’ and objected to certain constructions.

The accused persons thereafter assaulted indiscriminately the inmates. In the occurrence, the informant received fracture injury on hand whereas his two sons received injury on head. It is also alleged that they had abused the informant taking name of his caste.

Contention of the petitioners is that the land belonged to the accused party. The present prosecution party was aggressor which was objected whereafter they also involved in Mar-pit causing some injury on the present accuseds side for which another First Information Report (Annexure-2) has been lodged. It is also stated that the allegation under the Act would not be constituted as indisputably occurrence had taken place inside the house. Section 18 of the Act will not come into play. .

Learned Spl. PP for the State, on the other hand, submits that in dare-devil manner the petitioners are said to have trespassed into the house and assaulted the inmates in which at least three on the prosecution side have been received injury. There is also allegation of abusing the accused party taking name of their caste.

Be that as it may, looking to the manner of the occurrence and the fact that at least three on prosecution side have received injury; some of which are on vital parts, I am not

persuaded to extend the privilege of anticipatory bail. Prayer is declined.

Petitioners may surrender and seek regular bail. If they do so, the same shall be considered by the learned Court below on its own merit in accordance with law.

(Kishore Kumar Mandal, J)

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