

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.559 of 2017**

Arising Out of PS.Case No. -65 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

=====

Birendra Yadav @ Billa Yadav, S/o Bishundev Yadav, resident of Village- Karma Masud, P.S.-Rafiganj, District- Aurangabad.

.... .... Appellant/s

Versus

The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bhaskar Shankar -Advocate

For the Respondent/s : Smt Usha Kumari No-1-S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

04    27-04-2017                      Heard learned counsel for the appellant as well as  
learned Special Public Prosecutor.

It has been alleged by the informant that on 17.04.2016 at about 9.00p.m., Sadhu Yadav, Vishundev Yadav, NanhakaYadav, Birendra Yadav @ Billa Yadav (appellant), Kamlesh Yadav came and began to assault. During course thereof, they have also abused by caste name. They have also dismantled the wall. They have also misbehaved with his daughter's daughter Gudia Kumari and further, snatched away chain. They have also threatened that they should not indulge in construction of a colony.

Apart from carrying omnibus allegation, considering the submission made on behalf of appellant that the land of the accused has been encroached by the prosecution party, illegally whereupon resisted



and further, misusing the privilege of the S.C./S.T. (Prevention of Atrocities) Act, got this case filed wherein appellant happens to be under custody since 30.12.2016.

Accordingly, appellant, **Birendra Yadav @ Billa Yadav** is directed to 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P. S. Case No.65 of 2016, after setting aside the order dated 12.01.2017 passed by the learned Special Judge, S.C./S.T. Act, Aurangabad in B.P. No.47 of 2017.

Consequent thereupon, appeal is allowed.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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