

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.428 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -MADANPURA District- AURANGABAD

- =====
1. Amod Yadav, S/O Indra Yadav
 2. Bablu Kumar @ Bablu Yadav, S/O Sayendra Yadav
 3. Gaya Yadav, S/O Mahendra Yadav
- All Resident of Village- Nima, P.S.- Madanpur, District- Aurangabad
(Bihar)

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
Mr. Binod Kumar Pandey

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 22-05-2017 Heard the parties.

This appeal has been filed for setting aside order dated 17.6.2016 passed in A.B.P.No.590 of 2016 arising out of Madanpur P.S.Case No.54 of 2016 by the Sessions Judge, Aurangabad, registered for the offences under Sections 341, 323, 325, 307, 379, 504 & 34/447 of the Indian Penal Code and U/S 3(1)(x) of S.C./S.T. (Prevention of Atrocities) Act, and also for grant of anticipatory bail.

Allegation as per F.I.R. is that the co-accused persons were trying to encroach the land of the informant and further allegation is that the appellants came and assaulted by taking his caste name and also snatched Rs.5,000/-.

It is submitted on behalf of the appellants that this is probably a false and concocted case. According to the F.I.R., the case is that encroachment was made by some other accused



persons but he has implicated the appellants, as before filing of this case, one of the accused persons from the appellants side had lodged a case against the informant for murder of a family member of the accused persons as such they have been implicated in this case and made allegation under Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act.

Heard learned Special P.P., who has opposed the prayer for bail stating therein *prima facie* that there is allegation under Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act against the accused persons.

Having heard both sides and in view of facts and circumstances as stated above, let the appellants surrender before the special court, who will consider submissions of the appellants as made above and also consider enmity between the parties and thereafter will pass appropriate order, if possible on the same day.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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