

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3206 of 2018

Arising Out of PS.Case No. -156 Year- 2017 Thana -DHAMDHAHA District- PURNIA

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1. Anand Kumar Yadav @ Anand Yadav, son of Late Baldeo Yadav,
2. Birendra Yadav, Son of Late Kari Yadav.
3. Virendra Yadav, Son of Late Gajo Yadav,
4. Horil Yadav, Son of Late Mochi Yadav,
5. Parsuram Yadav, Son of Late Gajo Yadav,
6. Pankaj Yadav, Son of Late Gajo Yadav,
7. Abhimanyu Yadav @ Abhimanyu Kumar Yadav, Son of Gajendra Yadav,
8. Pinku Yadav, Son of Jay Narayian Yadav,
9. Vijo Yadav, Son of Late Baldeo Yadav,
10. Shivendra Yadav, Son of Late Baldeo Yadav,
11. Kapindra Yadav, Son of Late Baldeo Yadav,
12. Yogendra Yadav, Son of Late Shanichar Yadav,
13. Ajay Yadav, Son of Jay Narayan Yadav,
14. Pathal Yadav @ Dhirendra Yadav, son of Late Shiv Narayan Yadav.
15. Butan Yadav, Son of Kapindra Yadav,
16. Mukesh Yadav, Son of Khushi Yadav @ Khusho Yadav, All resident of
Village- Diyara, Bishanpur Kachnama, P.S. Dhamdaha, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sada Nand Roy, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-10-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 07.07.2018 in A.B.P. No.34 of 2018/CIS-34 of
2018 passed by the learned 1st Additional Sessions Judge-cum-



Special Judge, Purnea in connection with Dhamdaha P.S. Case No. 156 of 2017 registered under Sections 147, 148, 149, 386, 323, 341, 504, 427 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act and 27 of Arms Act.

There is bonafide land dispute between the parties. As both claims, the said land through settlement from the ex-landlord. For land dispute, there is general and omnibus allegation of commission of abuse and assault by taking caste name of the informant. Appellants have stated on oath that they have got no criminal antecedent.

Considering the background of allegation, chances of malafide prosecution cannot be ruled out, hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.



Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2018
Transmission Date	10.10.2018

