

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1056 of 2018**

Arising Out of PS. Case No.-334 Year-2017 Thana- PAHARPUR District- East Champaran

1. Dharmendra Yadav @ Dharmey, S/o Sri Kishun Yadav,
2. Ranjeet Yadav @ Ranjeet Kumar Yadav, S/o Sri Kishun Yadav,
3. Shiv Yadav S/o Madhav Yadav,
4. Ravi Yadav @ Rabi Yadav S/o Madhav Yadav, All are R/o Village- Amwa Brit, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                      |
|----------------------|---|----------------------|
| For the Appellant/s  | : | Mr. Bhaskar Shankar  |
| For the Respondent/s | : | Mr. Usha Kumari No-1 |

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      16-07-2018                      Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.01.2018 passed by the learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No.3309 of 2017, arising out of Paharupur Police Station Case No.334 of 2017 registered under Sections 380, 397, 427, 504, 448, 323, 147, 148, 149 of the Indian Penal Code and Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Old property dispute is reason for criminal cases one after another lodged by the parties against each other. In the aforesaid background, allegation is that the informant had opposed the prayer for bail of the accused persons in an earlier criminal case and for that grudge the appellants and others abused and assaulted by taking caste name.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the general and omnibus nature of allegation as well as the background of allegation, which is land dispute, in my view, the appellants deserve protection of law. 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 bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the



appellants.

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

**(Birendra Kumar, J)**

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