

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2758 of 2018

Arising Out of PS.Case No. -103 Year- 2018 Thana -MUNGER MUFFASIL District- MUNGER

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1. Upendra Yadav, S/o Basudeo Yadav,
2. Gaurav Kumar @ Gourav Yadav S/o Upendra Yadav,
3. Gautam Kumar @ Gautam Yadav S/o Upendra Yadav,
4. Karelal Yadav S/o Bharat Yadav,
5. Sanjay Kumar @ Sanjay Yadav S/o Bharat Yadav,
6. Ravindra Yadav S/o Laxami Yadav,
7. Budhan Yadav @ Subodh Yadav S/o Ravindra Yadav, All R/o Vill.- Udaypur,
P.S.- Muffasil, District- Munger. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sevak Choudhary, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

For the Informant : Mr. Harshvardhan Sahay, Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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.A. No.712 of 2018/Muffasil P.S.Case No.103 of 2018 passed by the learned 1st Additional Sessions Judge, Munger registered under Sections 147,148,149,323,379,504,506 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, there is general and omnibus allegation against the appellants to have abused and assaulted



to the informant, when the informant was cutting his crops from Plot Nos.3997 and 3978.

Submission of the learned counsel for the appellants is that due to land dispute between the parties which is going on before different authorities, just to pressurize, the present false case has been lodged. The appellants had purchased Plot No.3995 through registered sale deed in the year 1991 and the referred land in the FIR are adjoining land. There is dispute of encroachment and demarcation, for the reason that all the three plots were amalgamated by the Survey Authorities wrongly, which led to the dispute. Appellants have got no criminal antecedent except a case lodged by the present informant.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that just a fictitious land dispute has been created, whereas in fact there is no land dispute between the parties. In the occurrence, several persons sustained injury at the hands of the appellants, which is supported by the injury report. Police has already submitted chargesheet in this case. The independent witnesses have supported the allegation.

Considering the factum of land dispute which has revealed in the investigation also and general and omnibus nature of allegation, in my view, the appellants deserve anticipatory bail, accordingly, 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 both bailors shall be resident of territorial jurisdiction of the learned court below 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	19.09.2018
Transmission Date	19.09.2018

