

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1795 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -JOGAPATTI District- WESTCHAMPARAN (BETTIAH)

- =====
1. Jang Bahadur Yadav, Son of Mosafir Yadav,
 2. Rajan Yadav @ Rajan Kumar Yadav @ Rajan Kumar Raj, Son of Jang Bahadur Yadav, Both are residents of Village- Nimuniya, Police Station - Jogapatti (Nawalpur), District - West Champaran.

.... Appellants

Versus

1. The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

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 13.04.2018 in A.B.P. No. 231 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), West Champaran at Bettiah in Jogapatti (Nawalpur) P.S. Case No. 43 of 2018 registered under Sections 341, 323, 504, 506, 354, 447, 448, 354B/34 of the Indian Penal Code as well as Section 3(i)(r)(ii)(v)(a) of the SC/ST Act.

The occurrence took place at the spur of moment when the land of the appellants was being measured by the authorities



in connection with Land Demarcation Case No. 26 of 2017-18 vide Annexure-2. The allegation is general and omnibus of commission of assault and abuse by taking caste name.

Since appellant no. 1 Jang Bahadur Yadav has got criminal antecedent, I am not inclined to enlarge him on anticipatory bail.

Appellant no. 2 Rajan Yadav @ Rajan Kumar Yadav @ Rajan Kumar Raj, who is son of Jang Bahadur Yadav, has got no criminal antecedent nor any specific allegation is there.

Moreover, the background of the allegation, which is land dispute, would reveal that the chance of false implication of appellant no. 2 cannot be ruled out for the purpose of consideration of prayer for anticipatory bail, hence, let the appellant no. 2, Rajan Yadav @ Rajan Kumar Yadav @ Rajan Kumar Raj, in the event of his 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) 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant no. 2 shall fully cooperate with the investigation and trial of



the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant no. 2.

Accordingly, this appeal is partly dismissed and partly allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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