

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3448 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- BHAIKAVSHTHAN District- Madhubani

1. Kishan Yadav @ Krishana Yadav, S/o Late Thithar Yadav,
2. Prem Yadav S/o Late Thithar Yadav,
3. Narayan Yadav S/o Late Thithar Yadav,
4. Raman Yadav S/o Late Thithar Yadav,
5. Anand Yadav @ Shivashankar Yadav, S/o Narayan Yadav, All R/o Vill.- Bharam, P.S.- Bhairabsthan, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 07.08.2018 passed by the learned 1st Additional Sessions Judge, Madhubani in Bhairabsthan Police Station Case No.42 of 2018 registered under Sections 147, 341, 323, 354(B), 504, 506 of the Indian Penal Code and Sections 3 (i)(r), 2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Agricultural land of the appellants is just by the side of the house of the informant. Informant had gone to attend call of



nature in the agricultural field of the appellants. Appellants forbade him and for that reason the occurrence of abuse and assault is alleged to have been committed.

Submission is that there is case and counter case. The occurrence allegedly took place on 21.04.2018. However, the matter was reported to the Police on 22.04.2018 and the case was registered on 07.05.2018. The reason for delayed lodging of the F.I.R. is that the matter was to be settled by the social Panchayat.

Considering the nature and background of allegation as well as statement of the appellants on oath that they have got no criminal antecedent, 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 this
appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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