

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1133 of 2018

Arising Out of PS.Case No. -335 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Janak Yadav, son of late Bansil Yadav,
 2. Surendra Yadav, son of Janak Yadav
 3. Ravindra Yadav, son of Janak Yadav
 4. Santosh Yadav, son of Janak Yadav
 5. Sandeep Kumar, son of Ravindra Yadav

All residents of Village: Khairwa Choubey Tola, P.S: Malahi, Dist. East
Champan Appellant/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-05-2018

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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champan at Motihari in connection with Paharpur Malahi P.S. Case No. 335 of 2017 registered under Sections 147, 341, 323, 326, 436, 379, 504, 506 of the Indian Penal Code as well as under Sections 3(i) (x) (s) of the Scheduled Castes and Scheduled Tribes Act.

There is general and omnibus allegation of commission of assault against the appellants, save and except appellant Ravindra Yadav, who has already been arrested in this case. Though there is allegation of commission of arson but the



I.O has not found any sign of burn at the P.O.

Considering the background of the allegation which is land dispute between the parties as well as considering the general and omnibus nature of allegation and non-support of the occurrence of arson alleged in the FIR on the physical verification of P.O., in my view, the appellants deserve anticipatory bail.

Hence, let the appellant nos. 1, 2, 4 and 5 , 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 as well as condition that 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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