

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.664 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- SC/ST District- Nawada

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1. MANOJ YADAV @ MANOJ PRASAD YADAV Son of Late Chando Mahto
R/o village- Badhi Bigha, P.S- Govindpur, Dist- Nawada
 2. Vijay Yadav Son of Late Chando Mahto R/o village- Badhi Bigha, P.S-
Govindpur, Dist- Nawada

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Usha Devi W/O Ramchandra Choudhary R/V- Patluka, P.S.- Govindpur,
District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Deo Raj
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

8 06-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 05.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Nawada in SC & ST (Nawada) P.S. Case No. 20 of 2018 registered under Sections 341, 323, 420, 447, 504 and 506/34 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act.

Appellants are said to have taken Rs. 2,09,000/- from the informant for executing 3 Katha of land located adjacent to the house of the informant in her favour. Subsequently, appellant



Manoj Yadav executed 5¼ decimal of land in favour of her son namely Ashok Chaudhary on 18.08.2017, but the aforesaid land has already been sold by Manoj Yadav in favour of one Balak Chaudhary on 05.11.2001. Later on Panchayati was held and in the said panchayati both the appellants conceded accepting Rs.2,09,000/- from the informant and promised to return the same, but in vain and on the date of occurrence appellants along with five unknown miscreants armed with weapons descended at the house of the informant and breaking open the door slated the informant and her family members in the name of caste and assaulted them and extended threatening of dire consequence in case of demand of money by her.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, aforesaid land was sold out to Balak Chaudhary earlier but appellant got the said 5¼ decimal of land executed in favour of the son of the informant on 16.10.2017 by said Balak Chaudhary for sale consideration of Rs.72000/-. There is no evidence of any agreement or receiving of Rs. 2,09,000/- from the informant by the appellants. Appellants have taken only Rs.72000/- from the informant. They have not conceded the payment of the aforesaid money from the informant in the



Panchayati. Agreement does not bear the signature of the appellants. Signature of appellant Manoj Yadav does not match with the aforesaid agreement and appellant Vijay Yadav does not know to make signature rather he puts his LTI. Allegation of slating the informant and her family members is not specific rather general and omnibus in nature. Moreover said slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. It is a case of civil nature. Appellants have no criminal antecedent.

On the other hand, learned Spl.PP for the State and learned counsel for the informant opposing the bail petition submitted that the appellants have not accorded Rs.2,09,000/- to the informant and they also slated her and her family members in the name of caste, hence the appellants does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Nawada in connection with SC & ST



(Nawada) P.S. Case No. 20 of 2018, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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