

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.846 of 2019**

Arising Out of PS. Case No.-265 Year-2018 Thana- KHAGARIA District- Khagaria

Mantun Yadav, S/o Late Pawan Yadav Resident of Gangia, P.S.- Gangaur,
District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Rajesh
For the Respondent/s : Mr. Usha Kumari 1

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

Date : 10-05-2019

Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide
order dated 29.11.2018 passed by learned A.D.J.-I-cum-
Special Court, Khagaria in connection with Khagaria
(Gangaur) P.S. Case No. 265 of 2018 registered under
Sections 341, 343, 307, 504, 506 and 448/34 of the Indian
Penal Code and Section 3 (i)(r) (s) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with three other named
accused persons descended at the land of the informant and
tried to install pillar on his land & on protest made by his



son, Raj Kumar, appellant gave order to eliminate him whereupon Dilip Yadav and Karelal Yadav caught him hold while the appellant resorted firing by means of pistol inflicting injury on his chest.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is a land dispute between the parties and due to aforesaid land dispute the appellant has been falsely implicated in this case. As a matter of fact, the injury was sustained at some other place at the hands of some other person. In para-85 of the case diary the I.O. has also found one more person that is why wife of the informant injured in the occurrence but the said aspect of the case has not been adumbrated in the F.I.R. rather concealed which creates serious doubt about the prosecution case and complicity of the appellant in the occurrence.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge , Khagaria in connection with Khagaria (Gangaur) P.S. Case No.265 of 2018.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2019
Transmission Date	13.05.2019

