

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.935 of 2019

Arising Out of PS. Case No.-12 Year-2017 Thana- SC/ST District- Munger

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Bijendra Choudhary @ Brajendra Prasad, Son of Late Ramdeo Prasad
Choudhary Resident of Madhopur P.S.- Kotwali, District - Munger.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

6 02-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The appellant seeks pre-arrest bail in connection with Munger SC/ST P.S. Case No. 12 of 2017 registered under Sections 341, 323, 354, 427 & 504 of the Indian Penal Code and Section 3 (i) (r) (s) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Co-accused Uttam Yadav, Ravi Yadav & Shambhu Yadav are said to have slated the informant and his family members in the name of their caste and assaulted the informant, his mother and grandmother by means of leg and fist over row of putting Bathan on the land of the informant. Appellant has also put his Bathan on his land.

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 due to land dispute.



There is no allegation of slating the informant in the name of his caste against the appellant. The parties to the case has already compromised the case. Appellant has no criminal antecedent. Similarly situated co-accused Uttam Yadav @ Uttam Kumar and others have been enlarged on bail by co-ordinate Bench of this Court vide judgment dated 23.08.2018 passed in Cr. Appeal (SJ) No.2406 of 2018.

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 A.D.J 1st-cum Special Judge (SC/ST), Munger in connection with Munger SC/ST P.S. Case No.12 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J.)

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