

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1008 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- PALIGANJ District- Patna

BIRENDRA YADAV Son of Nanhak Yadav Resident of Village - Dariyapur
Prem, P.O.- Masaurha, P.S.- Paliganj, Distt.- Patna. ... Appellant/s
Versus
The State of Bihar. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 24-06-2019 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 anticipatory bail vide order dated 05.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Patna in connection with Paliganj P.S. Case No. 139 of 2018 (Special Case No.212 of 2018) registered under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Kamat Yadav, Lalu Yadav and Satyendra Yadav are said to have salted the informant and on protest assaulted him by means of lathi. Pritvi Yadav assaulted with iron rod inflicting injury on the head of Jhalak Deo Rajbanshi, whereupon he fell senseless. Appellant Birendra Yadav slated him in the name of his caste and also assaulted him by means of leg.



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 dirty village politics. It is further submitted that regarding the same occurrence two F.I.R. were lodged one by the wife of Jhalakdeo Rajbanshi and another by the full brother of Jhalakdeo Rajbanshi. There is a land dispute between the parties and similarly situated co-accused, namely, Kamat Yadav @ Kamta Yadav and others have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 12.09.2018 passed in Cr. Appeal (SJ) No.2868 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 Special Judge SC/ST (Prevention of Atrocities) Act, Patna in connection with Paliganj P.S. Case No. 139 of 2018 (Special Case No.212 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 this appeal is allowed.

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(Prakash Chandra Jaiswal, J)

