

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1100 of 2019**

Arising Out of PS. Case No.-20 Year-2018 Thana- DHIBRA District- Aurangabad

Yogendra Yadav Son of Lala Yadav Resident of Village - Bankishunpur, P.S.-  
Dhibra, District – Aurangabad. ... .. Appellant/s

Versus

The State of Bihar. ... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rajendra Singh  
For the Respondent/s : Mr. Usha Kumari 1

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

4      25-06-2019                      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, 1989 (hereinafter referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 17.01.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST), Aurangabad in connection with Dhibra P.S. Case No. 20 of 2018 registered under Sections 341, 323, 304, 307, 427 & 504/34 of the Indian Penal Code and Section 3(1) (r)/3 (1) (3) /3(2) V of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On the protest made by the informant over ploughing his gram and tomato field by the accused persons, 12 named and 13-15 unnamed accused persons including the appellant are said to have slated and assaulted the informant and his father inflicting head injuries to them.



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. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused Kundan Kumar Yadav @ Kundan Yadav has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.04.2019 passed in Cr. Appeal (SJ) No.1179 of 2019.

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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST), Aurangabad in connection with Dhibra 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 this appeal is allowed.

Trivedi/-

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**(Prakash Chandra Jaiswal, J)**

