

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1308 of 2019

Arising Out of PS. Case No.-86 Year-2015 Thana- JANKINAGAR District- Purnia

1. JAGDEO YADAV Son of Late Bateshwar Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
2. Manoj Yadav Son of Jagdeo Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
3. Lalan Yadav Son of Jagdeo Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
4. Palan Yadav Son of Jagdeo Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
5. Baban Yadav Son of Jagdeo Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
6. Anmol Yadav Son of Late Bhulan Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
7. Binod Yadav Son of Late Bhulan Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
8. Gabbar Yadav Son of Chhedi Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
9. Ram Chandra Yadav Son of Late Bindeshwari Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
10. Bauku Yadav @ Bolu Yadav Son of Late Bindeshwari Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
11. Chhedi Yadav @ Chhedi Lal Yadav Son of Belo Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
12. Raman Yadav Son of Nagendra Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
13. Sanjeev Yadav Son of Nagendra Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
14. Radha Yadav @ Radha Kant Yadav Son of Chhedi Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
15. Saurav Yadav Son of Jay Kumar Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.
16. Gaurav Yadav Son of Jay Kumar Yadav Resident of Village - Chakmaka, P.S.- Jankinagar, Distt - Purnea.

... .. Appellants.

Versus

The State Of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Hussain



For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3 25-06-2019 Heard learned counsel for the appellants 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 21.01.2019 and 14.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (POA) Act, Punrea in connection with Jankinagar P.S. Case No. 86 of 2015 registered under Sections 341, 323, 379, 427, 504 & 506/34 of the Indian Penal Code and Section 3(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have dismantled the house of the informant and slated him and his wife in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. There is a land dispute between the parties. The allegation levelled against the appellants are not specific rather



general and omnibus in nature. The I.O. after investigation of the case finding lack of evidence submitted final form in the case. I.O. has not found any sign of broken house at the place of occurrence and none has supported the occurrence. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge cum Special Judge (POA) Act, Punrea in connection with Jankinagar P.S. Case No. 86 of 2015, 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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