

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1221 of 2019**

Arising Out of PS. Case No.-105 Year-2018 Thana- KAUWAKOL District- Nawada

1. Mahesh Yadav, S/o Brahmadev Yadav
2. Umesh Yadav, S/o Brahmadev Yadav
3. Rambhaju Yadav @ Rambhajju Yadav S/o Tukan Yadav @ Tuan Yadav
4. Birendra Yadav S/o Rambhaju Yadav @ Rambhajju Yadav

All are Resident of Village- Telhatta Dhamani, P.O.- Madhurapur, P.S.-
Kawakole, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Arun
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 02-04-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 10.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 2102 of 2018 arising out of Kawakole P.S.Case No. 105 of 2018 registered under Sections 147, 149, 307, 323, 341, 504 and 506 of the Indian penal Code , Section 27 of the Arms Act and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

learned counsel for the appellants seeks permission to



withdraw this appeal with respect to appellant nos. 1 and 4 as they have been arrested as such appeal against appellant nos. 1 and 4 stands dismissed as withdrawn.

Allegation against the appellant nos. 2 and 3 that they came along with others variously armed and there is specific allegation against appellant no. 2 Umesh Yadav that he assaulted by an axe on the head of the informant but received injury on finger and against appellant no. 3 is that he abated other accused persons to assault. The reason behind the occurrence is that a land dispute was going on from before and a case was lodged with respect to assault and they were pressuring to withdraw the case.

Submission of learned counsel for the appellants is that appellants have been falsely implicated in this case and in earlier case also, appellant nos. 2 and 3 have not been made accused and they have been implicated in this case due to land dispute between the parties.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants no. 2 and 3, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a



copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 2102 of 2018 arising out of Kawakole P.S.Case No. 105 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant nos. 2 and 3.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

