

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1463 of 2019

Arising Out of PS. Case No.-337 Year-2017 Thana- BIRAUL District- Darbhanga

1. GANGA YADAV Son of Ramnandan Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga
2. Sanjit Yadav Son of Ganga Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga
3. Ranjit Yadav Son of Ganga Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga
4. Ombir Yadav Son of Ganga Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga
5. Vimla Devi Wife of Ganga Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga
6. Sumitra Devi Wife of Sant Yadav Resident of Village - Sardi, P.S.-Biraul, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-06-2019 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 28.1.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga in



connection with Biraul P.S. Case No. 337 of 2017, registered under Sections 143, 341, 323, 354, 504 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over land dispute 09 accused persons including the appellants are said to have slated the informant in the name of his caste and assaulted him. When on intensive alarm made by the informant his wife came for his rescue appellant No.2 tore her attire and again on making intensive alarm by the informant and his wife villagers rushed there thereafter accused persons left the scene.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics and land dispute. No one sustained any injury in the occurrence. The occurrence of slating the informant in the name of his caste did not take place in public view as no one was present there at the of occurrence rather on the intensive alarm made by the informant and his wife villagers had rushed there. They have no criminal antecedent.

Learned Spl. P.P. 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 learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga, in connection with Biraul P.S. Case No. 337 of 2017, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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