

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1881 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Rabindra Yadav @ Rabin Yadav S/O Late Bindeshwari Yadav Resident of Village- Dohatwari, P.S.- Uda- Kishunganj, District- Madhepura.
 2. Nirmal Yadav S/o Late Mahendra Yadav Resident of Village- Dohatwari, P.S.- Uda-Kishunganj, District- Madhepura.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Uda-Kishunganj P.S. Case No.124 of 2018 registered under Sections 147, 323, 447, 504 & 342 and later added 379 of the Indian Penal Code and Section 3 (1) (v) (s) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Appellants along with 13 named and 15 unnamed miscreants are said to have intruded into the house of the informant and slated and assaulted him and his daughter in the name of their caste and looted the household articles worth rupees two lakh and took forcible possession of the part of his house.



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 land dispute. As a matter of fact, appellant no.1 has purchased the aforesaid land in the name of his wife from one Suhagia Devi in the year 2015 and is in possession thereof since then. Informant has also stated in her statement that the appellants are in possession since long. The allegation of assault is not specific rather general and omnibus in nature. None has sustained any injury. There is no allegation of slating the informant and his daughter in the specific name of their caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Sessions Judge, Madhepura in connection with Uda-



Kishunganj P.S. Case No.124 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.

(Prakash Chandra Jaiswal, J)

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