

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1996 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- SUGAULI District- East Champaran

1. Sharvan Yadav Son of Ramautar Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
2. Ajay Yadav Son of Ramautar Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
3. Vakil Yadav Son of Ramautar Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
4. Indradeo Yadav Son of Ramautar Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
5. Lalan Yadav Son of Late Kanhaiya Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
6. Virendra Yadav Son of Shivbalak Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
7. Umesh Yadav Son of Ekbal Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.
8. Pratimadeo @ Pratima Devi Wife of Ajay Yadav Resident of Village- Maali, P.S.- Sugauli, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 22-08-2019 Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant nos. 4 (Indradeo Yadav) and 6 (Virendra Yadav) submitting that they have been arrested during pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn



in respect of the aforesaid appellants.

Heard learned counsel appearing on behalf of the appellants barring appellant nos. 4 and 6 and learned counsel for the informant as well as learned Spl. P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 01.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari in Sugauli P.S. Case No. 112 of 2019 registered under Sections 147, 149, 448, 341, 323, 379, 354 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with two other named accused persons are said to have descended at the house of the informant armed with weapons and took away cash of Rs. 80,000/- and ornaments. They also assaulted his son and tore attire of his wife.

It is submitted by learned counsel appearing on behalf of the appellant nos. 1, 2, 3, 5, 7 and 8 that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. As a matter of fact,



the father of the appellant nos. 1, 2, 3 and co-accused Indradeo Yadav had purchased land from one Vinod Prasad while informant had purchased land from mother of cousin of Vinod Prasad, namely, Paras Prasad, but both the aforesaid transfers fought Title Suit No. 586 of 2009, which was decreed and sale deed executed in favour of the informant and others was declared void. Thereafter, said Paras Prasad got the present case lodged through the informant to mount pressure upon the appellants. Proceeding under Sections 107 and 144 Cr.P.C. have also been initiated between the parties. No incriminating article has been recovered from conscious physical possession of the appellants. There is no injury report of the son of the informant in the case diary and moreover there is no independent eyewitness of the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that the appellants have committed theft in the house of the informant and assaulted his son and tore the attire of the wife of the informant, hence, the appellants do not deserve bail.

Having regard to the facts and circumstances of



the case, the appellant nos. 1, 2, 3, 5, 7 and 8 are directed be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 112 of 2019 subject to the 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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