

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2364 of 2019

Arising Out of PS. Case No.-79 Year-2017 Thana- SC/ST District- Purnia

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1. BINOD YADAV @ BINOD KUMAR YADAV Son of Late Murli Yadav Resident of Mohalla - Madhubani near Kali Mandir Chowk, P.S.- K. Hat, Distt - Purnea.
 2. Maheshwari Prasad Yadav Son of Late Anup Lal Yadav Resident of - Anupnagar, Belouri, P.S.- Muffasil, Distt - Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-08-2019 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 12.4.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Purnea in connection with SC/ST P.S. Case No. 79 of 2017, registered under Sections 323,354, 420 of the Indian Penal Code and also under Section 3 (i) (r) (iii) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants persuading the complainant for making available pump set on subsidized rate, took the husband of the complainant to the Civil Court, Purnea and obtained his signature on some papers and got the title suit No. 35 of 2014 compromised. On the basis of said compromise decree, the appellants have claimed the land of complainant as their own. On protest made by the complainant appellant No.2 slated her in the name of her caste.

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. As a matter of fact, the appellants gave the land in question to the father-in-law of the complainant for purpose of residence but her father-in-law got the aforesaid land settled in his favour for which appellant No.2 has lodged title suit No.35 of 2014 and husband of the complainant filed compromise petition in the said case arriving at the civil Court Purnea and appearing before the Court and according to said compromise petition learned lower Court passed compromise decree and now the complainant in order to extort money from the appellants and to mount pressure upon them lodged this false and frivolous case against the appellants with altogether false and concocted allegation. The allegation levelled against



the appellants is not specific rather general and omnibus in nature.

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 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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, Purnea, in connection with SC/ST P.S. Case No. 79 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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