

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2329 of 2019

Arising Out of PS. Case No.-240 Year-2018 Thana- KUMAR KHAND District- Madhepura

1. PAWAN YADAV Son of Kapildeo Yadav Resident of Village - Belari, P.S.- Kumarkhand (Belari O.P.), District- Madhepura.
2. Tej Narayan Yadav Son of Kapildeo Yadav Resident of Village - Belari, P.S.- Kumarkhand (Belari O.P.), District- Madhepura.
3. Gourab Yadav Son of Tej Narayan Yadav Resident of Village - Belari, P.S.- Kumarkhand (Belari O.P.), District- Madhepura
4. Saurab Yadav Son of Pawan Yadav Resident of Village - Belari, P.S.- Kumarkhand (Belari O.P.), District- Madhepura.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Chand Prasad

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-07-2019 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 18.4.2019 passed by learned 1st Additional Sessions Judge, Madhepura in connection with Kumarkhand (Belari O.P.) P.S. Case No. 240 of 2018, registered under Sections 341, 323, 324, 354, 379, 447,504, 506 of the Indian Penal Code and



also under Section 3 (1) (S) (W) 2 (2) (X) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have constructed house on the land given to husband and Devar of the informant in Bhudan and on protest made by the informant appellants along with other accused persons are said to have slated the informant, her Gotani and daughter-in-law in the name of their caste and also assaulted them by means of Lathi, Danda and fists and snatched their ornaments.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact appellants Pawan Yadav and Tej Narayan Yadav have obtained the land in Bhudan and they have got mutated the said land in their name and rent receipt is issued in favour of them and in order to grab the land of the appellants informant has lodged this false and frivolous case against them. Regarding the aforesaid land admittedly the matter is pending before the C.O. and title suit is also pending in between the parties. Moreover, allegation of slating the informant against the appellants is not specific rather general and omnibus in nature. Injuries sustained by the victims are simple in nature. 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 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, Madhepura in connection with Kumarkhand (Belari O.P.) P.S. Case No. 240 of 2018, SC/ST Case No. 265 of 2018, 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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