

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2603 of 2019

Arising Out of PS. Case No.-111 Year-2018 Thana- ARER District- Madhubani

-
1. GOPAL YADAV @ BAMBAM YADAV Son of Jagdish Yadav Resident of Village- Jhonjhi, Ward No. 11, P.S.- Arer, District- Madhubani.
 2. Jagdish Yadav Son of Chanchal Yadav Resident of Village- Jhonjhi, Ward No. 11, P.S.- Arer, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gagan Deo Yadav

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 01-08-2019 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 22.05.2019 passed by learned 1st Additional Sessions Judge, Madhubani in connection with Arer P.S. Case No. 111 of 2018, registered under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Informant happens to be servant of the Indrajeet Yadav and on protest made by the informant over constructing house in front of the main gate of the Indrajeet Yadav, appellants slated the informant in the name of his caste and appellant Gopal Yadav assaulted on the head of the informant by means of Farsa while Jagdish Yadav assaulted on his nose by means of iron rod.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, there is land dispute between the appellants and Indrajeet Yadav and said Indrajeet Yadav has got lodged this false and frivolous case against the appellants through his servant. Son of appellant has lodged Arer P.S. case no. 112 of 2018 against the Indrajeet Yadav and others regarding same date of occurrence. As per the prosecution case Gopal Yadav is said to have assaulted on the head of the informant by means of Farsa but doctor has not found any sharp cut injury on his head rather abrasion and simple in nature which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus 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 appellant 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 Sessions Judge, Madhubani in connection with Arer P.S. Case No. 111 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)

T.Kr./-

U		T	
---	--	---	--

