

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2640 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- BRAHMPUR District- Buxar

1. YUGAL KISHORE YADAV Son of Late Basudev Yadav Resident of Village-Chakki Rangi Dera, P.S.-Brahmpur, District-Buxar.
2. Raj Kishore Yadav Son of Late Basudev Yadav Resident of Village-Chakki Rangi Dera, P.S.-Brahmpur, District-Buxar.
3. Rakesh Yadav @ Rakesh Kumar Yadav @ Rampu Yadav Son of Raj Kishore Yadav Resident of Village-Chakki Rangi Dera, P.S.-Brahmpur, District-Buxar.
4. Jitendra Yadav @ Jitendra Kumar Singh Son of Late Raj Narayan Yadav Resident of Village-Chakki Rangi Dera, P.S.-Brahmpur, District-Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Choubey
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 19-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 28.05.2019 passed by learned 1st Addl. District and Sessions Judge cum Special Judge, Buxar in Brahmpur (Chakki) P.S. Case No. 345 of 2018 registered under Sections 341, 323, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) / 3(2)(va) of the SC/ST Act.

Over row of felling tree at the disputed land,



appellants are said to have slated the informant in the name of his caste and also assaulted him.

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. Regarding the property in question, informant and others have filed Title Suit No. 325 of 2010 against the appellants and others and one more Title Suit No. 1282 of 2014 has been lodged by one Ram Datt Yadav against the appellants and informant. Due to aforesaid property dispute, informant is in habit of lodging case against the appellants to harass them and to mount pressure upon them. He has earlier lodged a case bearing Brahmpur SC/ST P.S. Case No. 04 of 2017 against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence.

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

Having regard to the facts and circumstances of the case, let the above named appellants, 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 the learned 1st Addl. Sessions Judge cum Special Judge, Buxar in connection with Brahmpur (Chakki) P.S. Case No. 345 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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