

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2622 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Rohtas

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1. SHANTI DEVI @ SHANTI KUER W/o Late Haridwar Yadav Resident of Village- Bishaini P.S- Nasriganj, District- Rohtas.
 2. Dharmendra Yadav Son of Late Haridwar Yadav Resident of Village- Bishaini P.S-Nasriganj, District-Rohtas.
 3. Ranjan Yadav Son of Late Haridwar Yadav Resident of Village-Bishaini P.S- Nasriganj, District-Rohtas.
 4. Yogendra Singh Son of Late Haridwar Yadav Resident of Village-Bishaini P.S-Nasriganj, District-Rohtas.
 5. Bijay Yadav @ Bijay Singh @ Vijay Yadav Son of Late Bigan Yadav Resident of Village-Bishaini P.S-Nasriganj, District-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Advocate. Mr. Saket Kumar Singh, Advocate.
For the State	:	Mrs.Usha Kumari 1, APP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-07-2019 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 30.05.2019 passed by learned 1st Addl. Sessions Judge, Sasaram in Dehri SC/ST P.S. Case No. 16 of 2019 registered under Sections 341, 323, 379, 420, 354, 506 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(v)(vi) of the SC/ST Act.



Over land dispute, appellants are said to have slated the informant and her sons in the name of their caste and made them to leave their field and did not allow them to plough their field and also assaulted them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. There is land dispute between the parties. Appellant no.1 Shanti Devi has purchased the land in question on 20.12.2018 from Sunaina Kuer. Impugned order of the learned lower court indicates that the allegation of slating the informant and his son in the name of their caste levelled against the appellants is not explicit from the statement of the witnesses. The allegation levelled against the appellants is not specific rather general and omnibus in nature. No one sustained any injury. Hence no offence under SC/ST Act is made out. The occurrence is said to be of 03.01.2019, but the F.I.R. has been lodged on 14.02.2019 i.e. after inordinate and abnormal delay of 42 days without assigning any plausible explanation for the aforesaid delay.

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, Sasaram, Rohtas in Dehri SC/ST P.S. Case No. 16 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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