

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2969 of 2019**

Arising Out of PS. Case No.-14 Year-2018 Thana- SC/ST District- Gaya

Chandar Yadav @ Ramchandar Yadav Son of Late Bhairo Yadav Resident of
Village - Bardag, P.S.- Mohanpur, Dist.- Gaya.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No.2
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 05-09-2019 Heard learned counsel for the appellant 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 03.06.2019 passed by learned Exclusive
Special Judge SC/ST Act, Gaya in connection with SC/ST P.S.
Case No. 14 of 2018 registered under Sections 147, 148, 149,
323, 504 and 379 of the Indian Penal Code and Section 3(1) (g)
(r) (s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Informant along with other witnesses were



watering his field, in the meantime four named and four unknown miscreants including the appellant descended there armed with weapon and started slating them in the name of caste over cultivation of the wheat crop by them and on protest made by the informant claiming the aforesaid land of his own, they assaulted the informant and witness nos.1 & 2 by means of lathi and they also snatched Rs.1500/- of witness no.1 and co-accused Mahavir Yadav pointing pistol also extended threatening of dire consequences.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. Learned counsel for the appellant further submitted that the land in question has been purchased by brother of the appellant Bhola Yadav and in order to grab the aforesaid land, the informant has lodged this false and frivolous case against the appellant and others. The allegation of slating and assault levelled against the appellant is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. The complaint petition has been filed after inordinate delay of 12 days without assigning any plausible explanation for the same. Similarly situated co-accused Mahavir



Yadav and Tripurari Yadav have been enlarged on bail by this Court vide order dated 26.07.2019 passed in Cr. Appeal (SJ) No.2781 of 2019.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with SC/ST P.S. Case No. 14 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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