

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2901 of 2019**

Arising Out of PS. Case No.-139 Year-2016 Thana- KEWATI District- Darbhanga

1. ARJUN YADAV S/O Late Jiwachh Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
2. Sitamber Yadav S/o Late Jamedar Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
3. Shiv Kumar Yadav Son of Rajgir Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
4. Ashok Jadav @ Ashok Yadav Son of Rajgir Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
5. Rajgir Yadav S/O Late Jamedar Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
6. Hari Naran Yadav @ Hari Narayan Yadav S/O Late Jiwachh Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
7. Krishna Kumar Yadav @ Krishna Yadav S/O Arjun Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
8. Sanjay Kumar Yadav @ Sanjay Yadav S/O Satya Narayan Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.
9. Ajay Yadav S/O Hari Narayan Yadav Resident of Village- Dhobigama, Police Station- Keoti, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ashok Kumar Prasad  
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3      07-08-2019                      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 14.05.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, SC/ST Act, Darbhanga in Keoti P.S. Case



No. 139 of 2016 registered under Sections 147, 148, 448, 341, 323, 379, 504 and 506 of the Indian Penal Code and Section 3(I) (S) of the SC/ST Act.

Appellants are said to have descended at the house of the informant and asked to withdraw the case and on refusal of the informant, they slated him and assaulted on his head by means of rod. They also made attack on his house by means of stone making his family members injured. Appellant Shiv Kumar Yadav assaulted on the back of his brother by means of rod.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Appellant Hari Naran Yadav has lodged Keoti P.S. Case No. 143 of 2015 against the informant and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injures sustained by the victims are simple in nature. F.I.R. has been lodged after inordinate and abnormal delay of 9 days without assigning any plausible explanation for the aforesaid delay. There is no allegation of slating the informant in the name of his caste. Appellant nos. 4, 6, 7, 8 and 9 have no criminal antecedent. Though one more criminal case



has been lodged against rest of the appellants, but that case has been lodged by full brother of the informant.

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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, SC/ST Act, Darbhanga in connection with Keoti P.S. Case No. 139 of 2016, 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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