

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2781 of 2019**

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

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1. Mahavir Yadav Son of Late Bhairo Yadav Resident of Village- Bardag, P.S.- Mohanpur, District- Gaya.
 2. Tripurari Yadav Son of Bhola Yadav Resident of Village- Bardag, P.S.- Mohanpur, District- Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

- 3 26-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.06.2019 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 appellants 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 appellant Mahavir Yadav pointing pistol also extended threatening of dire consequences.

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. Learned counsel for the appellants filing the copy of the sale deed and rent receipts submitted that the land in question has been purchased by Bhola Yadav father of appellant no.2 and brother of appellant no.1 and they have cultivated the wheat crop on their land and in order to grab the aforesaid land, the informant has lodged this false and frivolous case against them. The allegation of slating and assault levelled against the appellants is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. The complaint



petition has been lodged after inordinate delay of 12 days without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their 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) each 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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