

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3060 of 2019

Arising Out of PS. Case No.-1751 Year-2016 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. JAY MANGAL YADAV Son of Late Ganpati Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 2. Gulo Yadav @ Kishandeo Yadav Son of Late Ganpati Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 3. Anil Yadav @ Anil Kumar Son Late Baban Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 4. Jhabru Yadav Son of Jay Mangal Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 5. Ashok Yadav Son of Jay Mangal Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 6. Kunkun Yadav Son of Jay Mangal Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 7. Pappu Yadav Son of Jay Mangal Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea
 8. Barun Yadav @ Barun Kumar Son of Late Baban Yadav Resident of Village - Mainma, P.S.- Rupauli, District - Purnea

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Jaggan Pawan Son of Late Firangi Paswan Resident of Village - Mainma, P.S.- Rupauli, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh, Advocate.
For the Respondent/s : Mr. Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 18-09-2019 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 20.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act Purnea in Complaint Case No. 1751 of 2016 registered under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(i)(g)(s) of the SC/ST Act.

Appellants have grabbed two decimal land of the complainant and they are having bad eye on his rest of the land. On the date of occurrence, all the appellants slating him in the name of his caste descended at his house and asked him to remove his house from there and started dismantling his house. When his daughter-in-law stepped out on the door, they misbehaved with her and appellant Ashok Yadav tore her blouse. On the exhortation of Jhabru Yadav, appellant Anil Yadav took away his two gunny bag of manure.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to land dispute. Witnesses examined by the complainant during the course of enquiry have also corroborated the factum of land dispute between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of theft is super addition. There is inordinate and abnormal delay of one month in filing the complaint petition



without assigning any plausible and convincing explanation for the said delay which creates doubt about the prosecution case. Appellants have no criminal antecedent.

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, SC/ST Act, Purnea in connection with C.A. Special SC/ST Case No. 43 of 2017 arising out of Complaint Case No. 1751 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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