

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3050 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- JOGAPATTI District- West Champaran

1. LALBABU YADAV Son of Late Bindeshwari Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
2. Heeralal Yadav Son of Suban Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
3. Dudhnath Yadav Son of Suban Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
4. Jawahir Yadav Son of Suban Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
5. Ramayan Yadav Son of Late Satan Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
6. Yugal Yadav @ Yogilal Yadav Son of Late Satan Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.
7. Suban Yadav Son of Late Bindeshwari Yadav Resident of Village - Ramna, P.S.- Yogapatti (Nawalpur), District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-09-2019 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 12.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in Yogapatti (Nawalpur) P.S. Case No. 123 of 2019 registered under Sections 147, 148, 149, 323, 324, 325, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) / 3(2)(va) of the SC/ST Act.

Appellants were cultivating the land of the informant by tractor cultivator and on protest made by the informant and his family members, they slated them in the name of their caste and assaulted them by means of lathi, bhala, etc. resultantly informant, uncle of the informant, Kedar Yadav and Ashok Yadav sustained injury.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants have been falsely implicated in the case due to land dispute. As a matter of fact, property in question has been purchased by the appellant no.7 from Ranbanshi Chaudhary and Muneshwar Chaudhary vide registered sale deed dated 06.06.2014 and the appellants are in possession thereof and in order to grab the aforesaid property of the appellants, informant has lodged this false and frivolous case against the



appellants with altogether wrong and concocted allegation. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any serious injury in the occurrence. Moreover after perusal of the case diary learned lower court has also not discussed about any injury of the victims in the impugned order. There is inordinate and abnormal delay of 3 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. 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/POCSO, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 123 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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