

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3286 of 2019

Arising Out of PS. Case No.-368 Year-2019 Thana- FATUA District- Patna

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1. SURESH YADAV @ SURESH SINGH Son of Late Daroga Yadav @ Daroga Singh Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.
 2. Nunu Yadav @ Dev Narayan yadav Son of Late Daroga Yadav @ Daroga singh Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.
 3. Rajesh Yadav @ Rajesh singh Son of Sri Suresh Yadav Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.
 4. Roshan Kumar @ Raushan Kumar Son of Sri Rajesh Yadav @ Rajesh Singh Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.
 5. Lakshman Yadav @ Lakshaman Kumar Son of Sri Nunu Yadav @ Dev Narayan Yadav Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.
 6. Rajiv Yadav @ Rajiv Kumar Son of Sri Nunu Yadav @ Dev Narayan Yadav Resident of Village- Janardanpur, P.S.- Fatuha, District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 01-10-2019 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 02.07.2019 passed by learned Additional



Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.252 of 2019, arising out of Fatuha P.S. Case No.368 of 2019 registered under Sections 147, 148, 149, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 3(1) (w) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants descended at the field of the informant armed with weapons claiming the land of their own tried to take possession of the same slating the informant in the name of caste and on protest made by him, they resorted firing and appellant Lakshman Yadav assaulted by means of butt of gun on the head of Raubin Paswan, Brind Kumar, informant and his father. On rushing of the villagers responding hulla made by the informant, Lakshman Yadav snatched the golden locket of Raubin Kumar and all the accused persons left the scene.

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. The land in question is the purchased land of the grandfather of appellant no.1 and the appellants are in possession of the said land. The allegation of slating the informant in the name of caste is not specific rather general and



omnibus in nature. The aforesaid slating is said to have been made at the field of the appellants and none was present at the place of occurrence at the time of occurrence as the villagers arrived their responding hulla made by the informant. There is no specific allegation of assault against the appellants barring the appellant Lakshman Yadav. Appellants have no criminal antecedent.

On the other hand, learned Spl. PP for the State opposing the prayer for bail submitted that there is specific allegation against appellant no.5 Lakshman Yadav of assaulting the informant and other persons by means of butt of gun, hence the appellants do not deserve bail.

In the facts and circumstances of the case, the above named appellants, except appellant no.5-Lakshmann Yadav @ Lakshman Kumar, 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 Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.252 of 2019, arising out of Fatuha P.S. Case No.368 of 2019, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case, I am not inclined to enlarge appellant no.5-Lakshmann Yadav @ Lakshman Kumar on bail. The prayer for bail of the appellant no.5 is hereby rejected. However, appellant no.5-Lakshmann Yadav @ Lakshman Kumar is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this appeal stands disposed of.

(Prakash Chandra Jaiswal, J)

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