

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3254 of 2019

Arising Out of PS. Case No.-236 Year-2016 Thana- BISFI (PATAUNA) District- Madhubani

1. SHAMBHU YADAV Son of Bikau Yadav Resident of Village - Sohans, P.S.- Bisfi (Patauna), Distt -Madhubani.
2. Hira Yadav Son of Bikau Yadav Resident of Village - Sohans, P.S.- Bisfi (Patauna), Distt -Madhubani.
3. Shyam Yadav Son of Bikau Yadav Resident of Village - Sohans, P.S.- Bisfi (Patauna), Distt -Madhubani.
4. Anju Devi Wife of Shambhu Yadav Resident of Village - Sohans, P.S.- Bisfi (Patauna), Distt -Madhubani.
5. Shailiya Devi @ Shail Devi Wife of Hira Yadav Resident of Village - Sohans, P.S.- Bisfi (Patauna), Distt -Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 24-10-2019 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 27.02.2019 passed by learned 1st Addl. Sessions Judge, Madhubani in Bisfi (Patauna) P.S. Case No. 236 of 2016 registered under Sections 341, 323, 354, 504 and 506/34 of the Indian Penal Code and Section 3(i)(c) of the SC/ST Act.

Co-accused Bikau Yadav and appellant Shambhu



Yadav were dismantling the house of the informant. On protest made by the informant, six named accused persons including the appellants intruding into her courtyard slated her in the name of her caste and appellant Shyam Yadav dragging her from house shoved her on the road and assaulted her by means of bamboo stick and Shambhu Yadav tore her saree.

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 of the appellants is located adjacent to the house of the informant and informant has encroached the part of the aforesaid land of the appellants and on protest made by the appellants she has lodged this false and frivolous case against the appellants. Informant has not sustained any injury in the occurrence. Slating the informant in the name of her caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is delay of 2 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, Madhubani in connection with Bisfi (Patauna) P.S. Case No. 236 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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