

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3313 of 2019

Arising Out of PS. Case No.-2 Year-2015 Thana- SC/ST District- Nawada

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1. Shiv Nandan Yadav @ Budhu Yadav Son of Bisho Yadav Resident of Village - Gobindpur, P.S.- Gobindpur, Dist.- Nawada.
 2. Madan Yadav Son of Late Lalan Yadav Resident of Village - Gobindpur, P.S.- Gobindpur, Dist.- Nawada.
 3. Shiv Balak Yadav Son of Bisho Yadav Resident of Village - Gobindpur, P.S.- Gobindpur, Dist.- Nawada.
 4. Umesh Yadav @ Khutaki Yadav Son of Late Lakhan Yadav Resident of Village - Gobindpur, P.S.- Gobindpur, Dist.- Nawada.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 05-11-2019 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 22.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with SC/ST P.S. Case No. 2 of 2015 registered under Sections 147, 148, 149, 341, 323, 504 & 384 of the Indian Penal Code and



Section 3(1) (x) (xi) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

13 named accused persons including the appellants variously armed with weapons descended at the land of the informant to take forcible possession of it and on protest made by the informant Chandradeo Prasad Yadav shoved her on the ground slating her in the name of caste and kept the thrashing machine on the land. In the meantime other accused persons also congregated there and slated the informant in the name of caste.

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. Though the eviction suit filed against the appellants by the informant have been decreed against them but they have preferred appeal which is pending disposal and informant has lodged this false and frivolous case against them with a view to put pressure upon them to leave the land and appeal. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Appellants have no criminal antecedent. Similarly situated co-accused Chandradeo



Prasad Yadav and others have been enlarged on anticipatory bail by a coordinate Bench of this Court vide judgment dated 27.02.2019 passed in Cr. Appeal (SJ) No.188 of 2019.

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 1st Additional Sessions Judge cum Special Judge, Nawada in connection with SC/ST P.S. Case No. 2 of 2015, 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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