

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3541 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- KARAI PARSURAI District- Nalanda

1. SHASHI KANT YADAV S/o Bhageru Yadav R/o village- Abupur, P.S.- Karai Parsurai, District- Nalanda
2. Brijnandan Yadav S/o Bhageru Yadav R/o village- Abupur, P.S.- Karai Parsurai, District- Nalanda
3. Pramod Kumar @ Bandar Yadav S/o Mundir Yadav R/o village- Abupur, P.S.- Karai Parsurai, District- Nalanda
4. Santosh Yadav S/o Shashi Kant Yadav R/o village- Abupur, P.S.- Karai Parsurai, District- Nalanda

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 26-08-2019 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 15.07.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Karai Parsurai P.S. Case No.87 of 2019 registered under Sections 147, 148, 149, 341, 323, 307 & 504 of the Indian Penal Code and



Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with eight other named accused persons are said to have descended at the house of the informant armed with weapons and assaulted the informant. They also assaulted his son Pawan Kumar, Raju Kumar and Dhananjay Kumar by means of khanti and his wife and Lalan Paswan and Shkunti Devi by means of sword. They took away the ornaments by breaking open the box from the house due to land dispute.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. As a matter of fact, appellant no.2-Brij Nandan yadav has lodged Karai Parsurai P.S. Case No.86 of 2019 against the informant and others preceding to the case under hand. Admittedly, there is land dispute between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. All the victims have sustained simple injury barring one injury on the right palm of Ram Babu Paswan and injury on the head of Kanti Devi. Regarding nature of said injury opinion has been reserved but all the injuries have



been opined to be caused by hard and blunt substance and not by sharp cutting weapon, which rules out the prosecution case. Six persons of the appellants' side have also sustained injury in the occurrence. Appellants have no criminal antecedent.

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, Nalanda at Biharsharif in connection with Karai Parsurai P.S. Case No.87 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

