

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3928 of 2019

Arising Out of PS. Case No.-43 Year-2015 Thana- SC/ST District- Samastipur

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1. Vijay Kumar Yadav S/o Chandra Narayan Yadav R/o village- Mangal Garh, P.S.- Hasanpur, District- Samastipur
 2. Papu Yadav S/o Chandra Narayan Yadav R/o village- Mangal Garh, P.S.- Hasanpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhubneshwar Prasad
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 10.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Samastipur in SC/ST P.S. Case No. 43 of 2015 registered under Sections 147, 323, 354, 323, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant was raising boundary wall on her land, all the six named accused persons including the appellants descended there and slating her in the name of her caste asked to stop the construction work. On protest made by the informant and her husband claiming the land of their own obtained through the sale deed, they started assaulting her and when her husband rushed in her rescue, they also slapped and fisted him. Co-accused Chandra Narayan Yadav assaulted on her stomach by means of leg resulting into her miscarriage.

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 this case due to land dispute. As a matter of fact, father of the appellant nos. 1 and 2, namely, Chandra Narayan Yadav had purchased the property in question from one Ram Adhar Yadav in the year 2011 and is in possession thereof on the said land but said Ram Adhar Yadav fraudulently and illegally sold out said land to the informant in the year 2015 and now the informant wants to grab the aforesaid land and lodged this false and frivolous case against the appellants to mount pressure upon them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Victim has not sustained any injury at the hand of the appellants. There is inordinate and abnormal delay of four days in lodging



the FIR without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 43 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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