

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4007 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Sheikhpura

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1. SURESH YADAV S/o Late Manoji Yadav Resident of Village- Milkichak, P.S.- Barbigaha, District- Sheikhpura.
 2. Awadesh Yadav S/o Suresh Yadav Resident of Village- Milkichak, P.S.- Barbuigha, Distt.- Sheikhpura.
 3. Aklesh Yadav S/o Suresh Yadav Resident of Village- Milkichak, P.S.- Barbuigha, Distt.- Sheikhpura.
 4. Nirmala Devi W/o Mithlesh Yadav Resident of Village- Milkichak, P.S.- Barbuigha, Distt.- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Anjani Pd. Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-11-2019 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 23.08.2019 passed by learned 1st Additional Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 06/2019, arising out of SC/ST Case No.18/2019 registered under Sections 341, 323, 354(B), 379,



385, 504, 506/34 of the Indian Penal Code and Section 3(i) (R) (S) W (I,II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with four other named accused started fencing land of the informant by unloading bricks and on protest made by the informant they slated her in the name of her caste and Akhilesh Yadav shoved her on the ground while Nirmala Devi snatched her golden locket. They also demanded extortion of Rs.5 lac in lieu of land.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to land dispute. Admittedly, proceeding under Section 144 Cr.P.C. is pending between the parties and civil suit was also pending between the parties regarding property in question. Informant has not sustained injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is delay of two days in lodging the case without assigning any plausible explanation for the said delay. Allegation of theft is super addition. Prosecution party are in habit of filing such type of cases and preceding to the case under hand two cases of similar nature have been lodged by the



informant in which the appellants have been enlarged on bail and informant has again filed this false and frivolous case against the appellants due to aforesaid property dispute.

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 learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No. 18/2019, arising out of Sheikhpura SC/ST Case No.06/2019, 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)

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