

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4064 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- SC/ST District- Araria

1. BAUA YADAV @ RAKESH KUMAR YADAV @ RAKESH YADAV Son of Late Dayanand Yadav Resident of Village-Belsara, P.S.-Raniganj, District-Araria.
2. Manish Yadav Son of Late Dayanand Yadav Resident of Village-Belsara, P.S.-Raniganj, District-Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhaskar Shankar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 24-10-2019 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 cum Special Judge (SC/ST Act), Araria in connection with Special (SC/ST) Case No. 11 of 2017, arising out of Araria (SC/ST) P.S. Case No.01 of 2017 registered under Sections 302, 307, 323, 324, 3549B), 379, 427, 448, 364, 504, 506, 341, 147, 148, 149 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (g) (s) (v), 3 (2) (v) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Several accused persons named in the F.I.R. had gone for fishing in the pond of the informant and on protest they returned and on the next date 33 named accused persons including the appellants and 200-250 miscreants variously armed assaulted the informant and others slating them in the name of caste and one Gabu Yadav resorted firing inflicting injury on the hand of Sharvan Rishideo. They also assaulted the husband of the informant and others. Husband of the informant succumbed to the injury.

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. Partition suit bearing Title Suit No.398 of 1970 is pending between the parties regarding the pond in question. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Altogether around 280 persons were present at the place of occurrence, so assailant of the husband of the informant is not ascertained. Appellants are languishing in custody since 20.08.2019. Similarly situated co-accused, namely, Surendra Prasad Yadav, Arvind Yadav @



Arvind Kumar have been enlarged on bail by co-ordinate Bench of this Court vide orders dated 25.07.2017 and 23.08.2017 passed in Cr. Appeal (SJ) Nos. 1405 of 2017 and 2341 of 2017 respectively and Mritunjay Yadav @ Mrityunjay Yadav has been enlarged on bail by this Court vide order dated 26.09.2019 passed in Cr. Appeal (SJ) No.4030 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 are directed to 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Spl. (SC/ST) Case No.11 of 2017, arising out of Araria SC/ST P.S. Case No.01 of 2017.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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