

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3960 of 2019

Arising Out of PS. Case No.-52 Year-2015 Thana- SC/ST District- Purnia

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Jogi Yadav @ Yogi Yadav Son of Jandev Yadav @ Jagdish Yadav @ Jagadi
Yadav Resident of Village - Goasi, P.S.- K. Nagar, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 19-09-2019 Heard learned counsel for the appellant 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 14.06.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Purnea in SC/ST P.S.
Case No. 52 of 2015 registered under Sections 323, 379/34 of
the Indian Penal Code and Sections 3(v)(x) (xv) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Informant obtained Basgit Purcha of 10 decimals of
land and is residing on the said land constructing house thereon.
Appellant along with two other named accused persons want to



oust him from the said land and assaulted the informant. Whereupon, the informant lodged Complaint Case No. 3303/2012 against them. On receiving summon of the said case, appellant along with co-accused Sunil Yadav and Moti Yadav slated him in the name of his caste and assaulted him by means of leg and fist and shoving him on the ground dragged him on the road by putting towel in the neck and extended threatening of dire consequence in case of not withdrawal of the aforesaid case by him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to land dispute and previous animosity. Informant is in habit of lodging case against the appellant, and as such, he and his family members have lodged four cases against him. Out of them, he has been acquitted in one case, another case lodged by daughter-in-law of the informant was found false and police has recommended for proceeding under Sections 182 and 211 of Cr.P.C. against the informant, in third one he is on bail while fourth one is in the stage of appearance of the accused persons. There is inordinate and abnormal delay of four days in filing the complaint case without assigning any plausible



explanation for the same. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in SC/ST P.S. Case No. 52 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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