

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4037 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- PALANWA District- East Champaran

1. Ganesh Yadav @ Ganesh Prasad Yadav Son of Mahanth Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari.
2. Jay Prakash Yadav Son of Hari Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari.
3. Rampukar Yadav Son of Hari Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari.
4. Sanjeet Yadav @ Sanjeet Kumar Yadav Son of Mahesh Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari.
5. Jethlal Yadav @ Jethlal Yadav Son of Mahesh Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari.
6. Mukesh Yadav Son of Late Maharaj Yadav Resident of Village - Purandara, P.S.- Palanwa, District - East Champaran, Motihari Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr. Sharda Nand Mishra, Advocate

For the Respondent : Mr. Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Appellants apprehend their arrest in a case registered for the offence under sections 147, 148, 149, 341, 447, 324, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code read with section 3(1)(a)(g)(r)(s) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

It is submitted on behalf of the appellants that the appellants have falsely been implicated in this case as no such occurrence has taken place. Further, the allegation is general and omnibus against all the appellants. There is subsisting land dispute between the parties and there is a case and counter case. Appellants have no criminal antecedent and as per the allegation, no case under the SC/ST Act is made out against the



appellants.

Learned counsel appearing for the State opposes the prayer for bail to the appellants.

Considering the facts and circumstances of the case discussed above, let all the six appellants mentioned above surrender within a period of six weeks and on surrender they will be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1, cum Special Judge (SC/ST Act), East Champaran at Motihari in Palanwa (Bhelahi OP) Police Station Case No. 59 of 2019, on the following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the Appellants temper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

The criminal appeal is allowed and the impugned order dated 9.8.2019, passed by the Additional Sessions Judge 1, cum Special Judge (SC/ST Act), East Champaran at Motihari in Palanwa (Bhelahi OP) Police Station Case No. 59 of 2019, is set aside.

(Prabhat Kumar Singh, J)

Shashi

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

