

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4331 of 2019

Arising Out of PS. Case No.-8 Year-2017 Thana- RAIYAM District- Darbhanga

1. Kishuni Yadav Son of Late Gunju Yadav Resident of Village - Gosai Tola Pachadi, P.S.- Raiyam, Distt - Darbhanga.
2. Dharmendra Kumar Yadav @ Dharmendra Kumar Son of Kishuni Yadav Resident of Village - Gosai Tola Pachadi, P.S.- Raiyam, Distt - Darbhanga.
3. Pintu Thakur @ Arbind Kumar Thakur Son of Rajendra Thakur Resident of Village - Chhachha, P.S.- Raiyam, Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vipin Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 21-11-2019 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 22.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Darbhanga in Raiyam P.S. Case No. 8 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354, 506, 447 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant was sitting at his door, Mishri Lal Yadav and his son along with 100-150 Haseri (hired person) started ploughing land of the informant by means of tractor, and on protest made by him, said Mishri Lal Yadav and his son exhorted other accused persons to assault him, and thereafter, 18 named accused persons including the appellants and others attacked upon him and made him injured assaulting him. When his brother, wife, son and nephew rushed in his rescue, Dhiraj Yadav assaulted on the head of his wife by means of farsa and appellant Dharmendra Yadav assaulted on the head of his son by means of farsa while other accused persons assaulted his other family members and they looted away his household articles worth Rs. 50,000/-.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellant Dharmendra Kumar Yadav is said to have assaulted on the head of the son of the informant by means of farsa but, doctor has found the aforesaid injury caused by hard blunt substance and simple in nature and injury of other victims are also caused by hard blunt substance and not by sharp cut weapon and simple in nature. There is case and counter case between the parties. There is land dispute between the



parties. Earlier, over the land dispute and on slating the Revenue Karamchari, C.O and the accused Mishri Lal Yadav in the course of measurement of the land, said C.O. has lodged Raiyam P.S. Case No. 16/2014 against the informant and others. Informant does not happen to be member of the Scheduled Castes community rather of Back Ward class. After investigation of the case, police submitted final form against the appellants. Other allegation levelled against the appellants is not specific rather general and omnibus in nature. Though, two criminal cases have been lodged against the appellant no. 1 while one case against the appellant no.2 but, they are on bail in the said cases. Appellant no. 3 has no criminal antecedent. Some of the accused persons have been enlarged on anticipatory bail by the learned court below, hence, they may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that the appellants along with other accused persons assaulted the informant and his family members and made them injured and tried to devour the land of the informant and they are also having criminal antecedent, hence, the appellants do not deserve bail.

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 (PoA) Act, Darbhanga in Raiyam P.S. Case No. 8 of 2017, 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)

rohit/-

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

