

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4477 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAON District- Banka

1. SANKAR YADAV, aged 64 years, Male, Son of Late Adish Yadav.
2. Rajesh Yadav, aged 30 years, Male, Son of Deepak Yadav
3. Subhash Yadav, aged 28 years, Male, Son of Gholti Yadav
4. Ranjeet Yadav, aged 30 years, Male, Son of Shankar Yadav
5. Mithilesh Yadav @ Mithlesh Yadav, aged 22 years, Male, Son of Deepak Yadav
6. Binay Yadav, aged 30 years, Male, Son of Arjun Yadav
7. Pintu Yadav, aged 35 years, Male, Son of Shankar Yadav
All Resident of Village-Khirjan, Police Station-Rajoun, District-Banka.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee, Advocate

For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-12-2019 Heard learned counsel for the appellants and learned
APP for State.

The appellants, in this case, are challenging the order dated 02.09.2019 passed by learned Additional Sessions Judge- 1, Banka in A.B.P. No. 1106/2019 (arising out of Rajoun P.S. Case No. 36/2019) under Section 147, 148, 149, 323, 307, 354(B), 427, 504 and 506 of the Indian Penal code, Section 27 of the Arms Act, Section 3/4 of Dian Act and Section 3(i) (w) of SC/ST (Prevention of Atrocities) Act, pending in the court of learned Additional Sessions Judge – 1st, Banka.



A supplementary affidavit has been filed today on behalf of the appellants stating therein that till date no charge-sheet has been filed in this case against the appellants. Let the affidavit be taken on the record.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to dirty village politics and dispute regarding giving grain from control shop of Rajendra Das. Learned counsel submits that there is no specific allegation against the appellants.

Learned A.P.P. for the State has opposed the anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that in course of investigation of the case and counter case the Investigating Officer has not found any sign of setting up of the hut of the informant on fire and in paragraph '5' of the case diary the police has recorded the description of the place of occurrence but the allegation is not substantiated from the said paragraph and further that as it appears from the records both the parties had indulged in throwing bricks and stones on each other and caused injuries which are simple in nature and the dispute had arisen over the distribution of food-grains in the



PDS Shop of Rajendra Das who is an accused in the Rajoun P.S. Case No. 37 of 2019 lodged on the same day by the appellants' side and further that save and except against Rajesh Yadav (appellant no. 2) the allegation against other appellants are general and omnibus, let the appellants No. 1 and appellant nos. 3 to 7, in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka, in connection with Rajoun P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



So far as prayer for anticipatory bail of appellant no. 2 is concerned, the same is refused.

In case appellant no. 2 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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