

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5029 of 2019

Arising Out of PS. Case No.-8 Year-2015 Thana- SC/ST BAGHA District- West Champaran

1. RAHUL YADAV Son of Melhu Yadav Resident of Village - Ghusari, P.S.- Dhanaha, Distt.- West Champaran.
2. Nagendra Yadav @ Nagendra @ Narendra Kumar Yadav Son of Ghurahu Yadav Resident of Village - Ghusari, P.S.- Dhanaha, Distt.- West Champaran.
3. Upendra Yadav Son of Ghurahu Yadav Resident of Village - Ghusari, P.S.- Dhanaha, Distt.- West Champaran.
4. Melhu Yadav Son of Banshi Yadav Resident of Village - Ghusari, P.S.- Dhanaha, Distt.- West Champaran.
5. Birbali Yadav Son of Banshi Yadav Resident of Village - Ghusari, P.S.- Dhanaha, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-11-2019 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 07.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Bagaha SC/ST P.S. Case



No. 08/2015 (Tr. No.153/2018) registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On arrival of the C.O. at the place of occurrence for measurement of the land, 10 named accused persons including the appellants started slating the informant and others in the name of caste and accused Nagendra Yadav, Melhu Yadav, Rahul Yadav, Birbali Yadav and Upendra Yadav assaulted them giving chase.

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. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of 25 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. None has sustained injury in the occurrence.

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

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Bagaha SC/ST P.S. Case No. 08/2015 (Tr. No.153/2018), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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