

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4783 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- SC/ST District- Katihar

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1. Panchanand Yadav, Son of Late Kaimu Yadav
 2. Barun Kumar Yadav @ Barun Yadav, Son of Panchanand Yadav
 3. Babloo Yadav, Son of Panchanand Yadav
 4. Dabloo Yadav Son of Panchanand Yadav
 5. Fagu Yadav, Son of Madan Yadav
 6. Bouka Yadav, Son of Madan Yadav
 7. Kailash Yadav, Son of Late Suresh Yadav, All Residents of Village - Sitalpur,
P.S.- Ajam Nagar, District -Katihar

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bimal Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 4.12.2018 passed by Additional District Judge-I-cum-Special Judge, Katihar, in A.B.P. No.111 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in SC/ST P.S.Case No. 44 of 2018, registered under Sections 147, 149, 323, 324, 354B, 380, 384, 427, 420, 406, 504 of the Indian Penal Code and Sections 3(i)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per Complaint petition is that the appellants have assaulted the complainant/informant and others and also destroyed the banana plants, causing loss to Rs.5000/- and further allegation is that father of complainant has purchased a piece of land from Panchanand Yadav and for



that father of Panchanand Yadav had taken Rs.8000/- from the father of complainant and they tried to dispossess her from the land.

Submission of learned counsel for the appellants is that the land belongs to the appellant and father of appellant No.1 had already died and as such no question arises to refund the amount.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri Vijay Anand Tiwary, Additional District Judge-I-cum-Special Judge, Katihar, in connection with SC/ST P.S. case No. 44 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 4.12.2018 is set aside.

(Vinod Kumar Sinha, J)

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Transmission Date	

