

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.280 of 2020

Arising Out of PS. Case No.-35 Year-2017 Thana- BISFI District- Madhubani

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1. GHANSHYAM YADAV S/o Ram Ekbal Yadav R/o village- Gadhual, P.S.- Bisfi, District- Madhubani.
 2. Vikash Kumar Yadav @ Vikash Kumar @ Vikash Yadav S/o Ram Ekbal Yadav R/o village- Gadhual, P.S.- Bisfi, District- Madhubani.
 3. Krishn Kumar Yadav @ Kishun Kumar @ Kishun Yadav S/o Raj Nandan Yadav R/o village- Gadhual, P.S.- Bisfi, District- Madhubani.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Ratanakar Jha, Advocate.
For the State	:	Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 23-01-2020

Heard learned counsel for the appellants and the learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, is directed against the order dated 10.12.2019 passed in A.B.P. No.1105 of 2019, whereby and whereunder the 1st Additional Sessions Judge-cum-Special Judge, Madhubani, rejected the prayer of the appellants to grant the privilege of pre-arrest bail in connection with Bisfi P.S. Case No.35 of 2017/G.R. No.144 of 2017 registered under Sections 147, 341,



323, 324 and 504 of the Indian Penal Code besides Sections 3(i) (r) and (3)(r2)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

The prosecution case, in brief, is that in the morning of 15.02.2017 at about 09.00 A.M., the appellants along with Kulesh Yadav and son of Harebishun Yadav, under conspiracy, came near the house of the informant Kaushal Paswan and started gathering there. When the informant made protest saying that there are girls and ladies in the house and also asked them to make gathering somewhere else, then they started to abuse the informant denoting the caste name. Thereafter, on the order of Vikash Yadav (appellant no.2), all started to cause assault him. When the brother of the informant rushed to save him, then they also abused him denoting his caste name.

Learned counsel for the appellants submits that, in fact, the land of the co-accused Kulesh Yadav is situated in front of the house of the informant and when the informant started to capture the land of Kulesh Yadav, then Kulesh Yadav called the appellants and others to see the encroachment of his land by the informant, due to that reason, the informant only to put undue pressure upon the appellants lodged the present case with general and omnibus allegation against them. Moreover, the



injuries, as found on the person of the informant, are simple in nature.

Having considered the facts and the circumstances of the case, the impugned order dated 10.12.2019 is set aside and this appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender within 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 Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with Bisfi P.S. Case No.35 of 2017/G.R. No.144 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2020.
Transmission Date	24.01.2020.

