

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.839 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- SIRDALA District- Nawada

1. Upendra Prasad Yadav @ Upendra Yadav Son of Rup Lal Prasad Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
2. Pramod Yadav S/o Ragho Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
3. Ravindra Yadav @ Ravindar @ Ravindra Prasad S/o Tilak Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
4. Roop Lal Yadav @ Rup Lal Prasad Yadav @ Ruplal Prasad S/o Sebak Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
5. Kamlesh Kumar @ Kamlesh Prasad Yadav S/o Ram Chandra Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
6. Ram Chandra Prasad Yadav S/o Hira Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
7. Bablu Kumar @ Bablo Prasad Yadav S/o Surendra Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
8. Surendra Yadav @ Surendra Prasad Yadav S/o Hira Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
9. Binod Prasad @ Binod Prasad Yadav S/o Bisheshwasr Prasad Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
10. Ramotar Prasad @ Ramotar Yadav S/o Ragho Yadav Resident of Village-Bahuara, P.S.-Sirdalla, District-Nawada.
11. Kallpu Yadav @ Kallu Yadav S/o Moti Yadav Resident of Village-Rajoundh, P.S.-Sirdalla, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 28-09-2020 Heard learned counsel for appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the



order dated 23-09-2019 passed by learned A.D.J.-I cum Special Judge, Nawada in A.B.P. No. 1385 of 2019 (arising out of Sirdalla P.S. Case No. 285 of 2019) registered for the offence punishable under Sections 147, 148, 341, 323, 380, 504, 506, 452 of the Indian Penal Code and Section 3(r)(s) of SC/ST Act, whereby the prayer for anticipatory bail of these appellants was rejected.

As per prosecution case, on 22-03-2019 at about 6:30 PM, while the informant was sitting near his house, all the accused persons, including appellants, reached there and started abusing him by caste name and on protest, all accused persons started assaulting him by *lathi* and also committed theft of some ornaments.

It is submitted on behalf of appellants that appellants have falsely been implicated in this case due to land dispute and present case is counter blast of a case lodged by appellant no. 1 against informant's side, vide Sirdalla P.S. Case No. 129 of 2019 (Annexure - 2). It is further submitted that for the alleged occurrence of 22-03-2019, the present FIR has been lodged on 02-07-2019 after lapse of four months and there is no explanation for the same. It is further submitted that from perusal of FIR, it is apparent that appellants have not abused



informant and as such, no case under the SC/ST Act is made out against appellants. Appellants have no criminal antecedent.

Considering the aforesaid facts & circumstances, this appeal is allowed and the impugned order dated 23-09-2019 passed by learned A.D.J.-I cum Special Judge, Nawada in A.B.P. No. 1385 of 2019 (arising out of Sirdalla P.S. Case No. 285 of 2019) is set aside.

Accordingly, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the appellants, named above, be enlarged on bail 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 Additional Sessions Judge cum Special Judge, Nawada in connection with Sirdalla P.S. Case No. 285 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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