

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1610 of 2020**

Arising Out of PS. Case No.-503 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. BINOD YADAV S/o Gulam Yadav Resident of Sakin Chanka, P.S.-
Champnagar, District-Purnea.
 2. Manoj Yadav S/o Gulam Yadav Resident of Sakin Chanka, P.S.-
Champnagar, District-Purnea.
 3. Dimpal Yadav @ Dimpal Kumar S/o Ashok Yadav Resident of Sakin
Chanka, P.S.-Champnagar, District-Purnea.
 4. Parmanand Yadav S/o Late Chhedi Yadav Resident of Sakin Chanka, P.S.-
Champnagar, District-Purnea.
 5. Sunil Yadav @ Sunil Kumar S/o Bhola Yadav Resident of Sakin Chanka,
P.S.-Champnagar, District-Purnea.
 6. Bitwa Yadav S/o Kamlu Yadav Resident of Sakin Chanka, P.S.-Champnagar,
District-Purnea.
 7. Gaya Yadav @ Gayanand Yadav S/o Late Chhedi Yadav Resident of Sakin
Chanka, P.S.-Champnagar, District-Purnea.
 8. Bablu Rishi @ Babulal Rishi S/o Prasadi Rishi Resident of Sakin-
Makhnaha, P.S.-Sri Nagar, District-Purnia.
 9. Chandranand Mahto @ Chander Mahto S/o Late Baldev Mahto Resident of
Sakin-Makhnaha, P.S.-Sri Nagar, District-Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-11-2020

At the outset, it is submitted by learned counsel for



the appellants that appellant no. 4 (Parmanand Yadav) and appellant no.9 (Chandranand Mahto) have been arrested during the pendency of the appeal, as such, he seeks permission to withdraw the appeal in respect of appellant nos. 4 and 9.

Permission is granted.

Appeal, in respect of appellant nos. 4 and 9, above named, is dismissed as withdrawn.

Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 05.06.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354 and 504/34 of the Indian Penal Code and Sections 3(f)(r)(s) and 3(w)(va) of the SC/ST Act, 1989, whereby anticipatory bail of the appellants have been rejected.

As per the prosecution case, on 08.12.2019 at about 2 PM, all the accused persons including these appellants came to the field of the informant with a view to dispossess the informant from the land and started ploughing the field. On protest, all of them abused the informant in filthy language and assaulted the informant party. It is further alleged that they also



tried to outrage the modesty of the female members.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to land dispute. One of the co-accused, Kumod Yadav, brother of the appellant no.1, has lodged a case against the informant on 10.12.2019 and after coming to know about the same, this false case has been lodged with ulterior motive. Further, from bare perusal of the F.I.R., it is apparent that no caste based abuse has been made by the appellants.

Learned counsel for the State on the other hand opposes the prayer for bail and submits that the appellants have committed mar peet and tried to dispossess the informant from his land.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal, in respect of appellant nos.1, 2, 3, 5, 6, 7 and 8, above named, is allowed and the impugned order dated 05.06.2020, in respect of appellant nos.1, 2, 3, 5, 6, 7 and 8, above named, is set aside.

Accordingly, in the event of arrest or surrender by the appellant nos.1, 2, 3, 5, 6, 7 and 8, above named, before the Court below within six weeks from today, they shall be released



on anticipatory bail on furnishing bail bond of Rs.10,000/- (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 Act), Purnea in Anticipatory Bail Petition No.08 of 2020/C.I.S. No. 08 of 2020 arising out of K. Nagar (Champa Nagar) Police Station Case No. 503 of 2019.

(Prabhat Kumar Singh, J)

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