

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1654 of 2020**

Arising Out of PS. Case No.-436 Year-2015 Thana- BAGHA District- West Champaran

1. BHOLA YADAV Son of Late Lalu Yadav Resident of Village - Juda, P.S. - Bagaha (Bhairoganj), District - West Champaran.
2. Rama Yadav Son of Sri Bhola Yadav Resident of Village - Juda, P.S. - Bagaha (Bhairoganj), District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl. P.P.

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

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 03.03.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in a case registered for the offence punishable under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3 (1) (x) of the SC/ST Act, whereby anticipatory bail of the appellants have been rejected.

As per the prosecution case, on 30.10.2015 at about 6:00 AM, all the appellants started assaulting the informant due to old land dispute as a result of which the informant received



injury in his ear and his wife also sustained injuries. It is further alleged that 20 days earlier, the appellants have committed mar peet with the informant side and made caste based abuses.

It is submitted on behalf of the appellants that no such occurrence has taken place, in fact, due to land dispute, the appellants have falsely been implicated in this case. It is stated in paragraph no.3 of memo of the appeal that appellants have got clean antecedent.

Learned counsel for the State on the other hand opposes the prayer for bail and submits that though the F.I.R. has been lodged in the 2015 and cognizance has been taken against the appellants but the summons has been issued to the appellants after a lapse of 2 years i.e., on 21.02.2018.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, I am not inclined to grant anticipatory bail to the appellants.

Hence, the appeal stands rejected.

(Prabhat Kumar Singh, J)

Ankit/-

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