

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5258 of 2019

Arising Out of PS. Case No.-43 Year-2015 Thana- SC/ST District- Samastipur

CHANDRA NARAYAN YADAV Son of Jagdev Yadav Resident of Village-
Mangal Gadh, P.S.- Hasanpur, District- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 10.07.2019 passed by the learned 1st Additional Session Judge cum Special Judge (SC/ST Act), Samastipur in A.B.P. No.1466 of 2019, arising out of SC/ST P.S. Case No. 43 of 2015 registered under Sections 147, 313, 354, 323, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989.

There is delay of about 41 days in filing of this appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities), Act.



The delay is explained in I.A. No. 1 of 2019.

Hence, the delay is condoned for substantial justice.

Allegation is that for land dispute, the appellant allegedly assaulted to the informant, a member of the Scheduled Caste.

Learned counsel for the appellant submits that false and concocted allegation is there to put wrongful claim on the land of the appellant. It would be evident from Annexure-2 which is a registered sale deed executed by Ram Adhar Yadav in favour of the appellant on 26.06.2011 in respect of the referred plots. The informant purchased the same plot from same Ram Adhar Yadav through registered sale deed dated 01.06.2015, a copy of sale deed at Annexure-2/A.

Contention is that the aforesaid fact evidently show that appellant has a better claim especially when the same vendor had executed the subsequent sale deed in favour of the informant in respect of the same land which he had already sold away and had no right to sale the same again.

Finding substance in the submission aforesaid non-grant of protection to the appellant would reveal to miscarriage of justice, hence, the appellant, above named in the event of their arrest or surrender before the Court below within a period



of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the following conditions:-

(a) The appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without permission of the learned trial court.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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