

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5580 of 2019

Arising Out of PS. Case No.-22 Year-2018 Thana- DHANARUA District- Patna

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1. BHAJAN YADAV @ BHAJAN PRASAD Son of Late Munshi Prasad Yadav @ Munshi Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.
 2. Sibodh Yadav @ Subodh Kumar Yadav @ Subodh Kumar @ Subodh Prasad Yadav @ Subodh Yadav Son of Late Mani Yadav @ Mani Prasad Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.
 3. Vijay Kumar Yadav @ Vijay Kumar @ Vijay Yadav @ Vijay Prasad Son of Late Mani Yadav @ Mani Prasad Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.
 4. Soboj Yadav @ Saboj Kumar @ Saboj Yadav Son of Late Mani Yadav @ Mani Prasad Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.
 5. Vinesh Yadav @ Binesh Prasad Son of Late Sonu Prasad Yadav @ Sonu Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.
 6. Manoj Yadav @ Manoj Prasad Son of Late Mani Yadav @ Mani Prasad Yadav Resident of Village - Kaili, P.S. - Dhanarua, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 13-02-2020 Since appellant no.6 Manoj Yadav has already been arrested in this case, hence this appeal against appellant no.6 Manoj Yadav against the refusal of prayer for anticipatory bail is infructuous now.

Accordingly, this appeal in respect of appellant no.6 Manoj Yadav is dismissed as infructuous.

Heard learned counsel for the parties for appellant



nos. 1 to 5.

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 29.11.2019 by the learned Addl. Sessions Judge-XX cum Special Judge (SC/ST Act), Patna in connection with Dhanarua P.S. Case No. 22 of 2018 registered under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For dispute relating to claim over gairmajarua aam land, the appellants allegedly abused and assaulted to the informant and his wife.

Learned Counsel for the appellants submits that there is no other witness of the occurrence and false allegation is there just to grab the property. Appellants are co-villager of the informant.

Since prima facie accusation of commission of offence under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants, hence prayer for anticipatory bail is not maintainable.

Accordingly, this appeal against the refusal of prayer



for anticipatory bail stands dismissed as devoid of merit.

However, in the event of surrender of the appellants, prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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