

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1819 of 2021

Arising Out of PS. Case No.-427 Year-2019 Thana- BIHIA District- Bhojpur

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1. RAJA RAM YADAV Son of Late Jamuna Yadav Resident of Village - Bhojachak, P.S.- Bihiya, District - Bhojpur at Ara.
 2. Bhuwar Yadav Son of Late Gulzar Yadav Resident of Village - Bhojachak, P.S.- Bihiya, District - Bhojpur at Ara.
 3. Mithu Yadav Son of Rameshwar Yadav Resident of Village - Bhojachak, P.S.- Bihiya, District - Bhojpur at Ara.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Pratap Singh
For the Respondent/s : Ms. Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 06.07.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Bihiya P.S. Case No. 427/2019, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 147, 341, 323, 307 and 379 of the Indian Penal Code and Section 3(i)(r)/3(ii)(va)/3(i)(s) of SC/ST (POA) Act has been rejected.



Twenty persons have been made accused in this case with the accusation of assaulting the informant and others by means of hard and blunt substance.

Learned counsel for the appellants has submitted that there is a dispute with one Mrityunjay Tiwari with respect to measurement of land and because of that dispute, he employed the informant who is his driver to lodge this case against the appellants. There is counter version of the occurrence also. There is no injury report on the record. Learned counsel for the appellants, therefore, has submitted that because of some dispute relating to measurement of land between the parties, the present case has been lodged with specific accusation under the SC/ST (Prevention of Atrocities), Act only to add serious colour to the case. Incidentally, the informant who is the driver of aforesaid Mrityunjay Tiwari hails from schedule caste community. This has been taken advantage of by the aforesaid Mrityunjay Tiwari in getting this case lodged against the appellants.

For the reasons afore-stated, the order dated 06.07.2020 passed by the learned 1st Additional Sessions



Judge, Bhojpur at Ara, is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 427/2019.

(Ashutosh Kumar, J)

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