

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.372 of 2020

Arising Out of PS. Case No.-29 Year-2018 Thana- SC/ST District- Supaul

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1. Vijay Kumar Yadav @ Vijay Yadav, aged about 30 years, Gender - Male
 2. Pawan Kumar Yadav @ Pawan Yadav @ Pavan Yadav, aged about 26 years, Gender - Male
 3. Uday Yadav, aged about 28 years, Gender – Male, all are sons of Chamak Lal Yadav, Resident of Village-Khakhai Punarwas, P.S.-Kishanpur, District-Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bauku Sharma, aged about 55 years, Gender – Male, Son of Late Shibu Sharma, Resident of Village-Khakhai Punarwas, P.S.-Kishanpur, District-Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-01-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 16.10.2019 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Supaul in A.B.P. No.1138 of 2019, whereby the Anticipatory Bail Petition of the appellants in connection with SC/ST P.S. Case No.29 of 2018 for the offences punishable under Sections 341, 323, 354, 380, 447, 448, 504, 34 of the Indian Penal Code and Sections 3 (1)(r)(s)(Wi), 3(2)(Va) of SC/ST Act, has been rejected.



The prosecution case is based on the written report of the informant Bauku Sharma. The informant named above as opposite party no.2 given his written report to the Supaul SC/ST police station on 10.05.2018 and mentioned therein that the occurrence happened on 06.05.2018 at 6 A.M. The informant further stated in her written report that layout no.85 area 8 decimals allotted from the name of his father Shibu Sharma. In aforesaid layout no., he is residing after constructed his house. Surprisingly on 16.05.2018 at 6 A.M., all named accused persons with Lathi, Bhala and Farsa came to my aforesaid plot of land and forcibly build their house on blank land and when he opposed then Chamaklall Yadav abused him by their caste name and sons of Chamaklall Yadav also assaulted him when his wife came there and tried to save his life then Uday Yadav assaulted her wife and things of about Rs.15,000/- rupees looted from his house by the accused persons.

Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants. Learned counsel for the appellants further submits that the occurrence took place on 06.05.2018 and F.I.R. was lodged on 10.05.2018. There is no explanation regarding the delay. Learned counsel for the appellants further submits that there is



land dispute between the parties. He further submits that no case under Section SC/ST Act is made out against the appellants. There is no specific allegation levelled against the appellants.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Supaul in connection with SC/ST P.S. Case No.29 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 16.10.2019 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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