

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.445 of 2020

Arising Out of PS. Case No.-131 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

-
1. Jago Yadav, Male, aged about 70 years, Son of Late Anup Lal Yadav
 2. Jogi Yadav, Male, aged about 50 years, Son of Late Anup Lal Yadav
 3. Hari Kishun Yadav @ Hati Kishun Yadav, Male, aged about 45 years, Son of Late Anup Lal Yadav
 4. Budhan Yadav, Male, aged about 40 years, Son of Jago Yadav
 5. Bipin Yadav, Male, aged about 27 years, Son of Jago Yadav
 6. Kailash Yadav, Male, aged about 24 years, Son of Jogi Yadav
 7. Dilip Yadav, Male, aged about 20 years, Son of Hari Kishun Yadav, petitioner nos.1 to are resident of Village - Gamhil Tole Gidha, P.S.- Hathuri, District - Samastipur
 8. Ashwani Kumar Rai @ Shila Jee, Male, aged about 60 years, Son of Late Vishwanath Rai, Resident of Village - Bhirha, P.S.- Rosera, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukha Ram, aged about 45 years, Son of Late Japu Ram of Village - Buniyadpur, P.S.- Hathauri, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lovekush Kumar, Advocate
For the Respondent/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 02.01.2020
passed by learned 1st Additional Sessions Judge-cum-Special
Judge (SC/ST), Samastipur in A.B.P. No.3213 of 2019,
whereby the Anticipatory Bail Petition of the appellant in



connection with Complaint (CR) No.131/2019/Tr. No.1211/19 for the offences punishable under Sections 147, 148, 149, 323, 342, 354, 379 of the Indian Penal Code and Sections 3 (1)(r)(S) (W) of SC/ST (Prevention of Atrocities) Act, has been rejected.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. It is admitted fact that there is land dispute between the parties. Learned counsel for the appellants further submits that the complainant is habitual in filing false and concocted applications before different authorities against the purchasers of the land from different agnates of his vendor. He further submits that there is land dispute between the complainant and accused-appellant nos.1 to 7. Whereas the appellant no.8 is admittedly vendor of the complainant but he has also been falsely dragged into this case.

Considering the facts and circumstances, it is admitted fact that there is land dispute between the parties.

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 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Samastipur in connection with Complaint (CR) No.131/2019/Tr. No.1211/19, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 02.01.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

