

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.799 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- SC/ST District- Darbhanga

1. Santosh Yadav, aged about 38 years (Male), Son of Mahendra Yadav, Resident of Village - Rajaura Dih, P.S.- Raiyam, District - Darbhanga.
2. Saroj Kumar Yadav @ Saroj Yadav, aged about 40 years (Male), Son of Ramashis Yadav @ Ramadhish Yadav, Resident of Village - Rajaura Dih, P.S.- Raiyam, District - Darbhanga.
3. Ram Sevak Yadav, aged about 46 years (Male), Son of Mahendra Yadav, Resident of Village - Rajaura Dih, P.S.- Raiyam, District - Darbhanga.
4. Gopal Kumar Sah @ Gopal Sahu, aged about 39 years (Male), Son of Lal Sahu, Resident of Village - Rajaura Dih, P.S.- Raiyam, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kumar Mishra
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 06-04-2021 Heard both sides through video conferencing.

The appellants filed this appeal under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act against the order dated 09.05.2019 by which the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Darbhanga rejected the anticipatory bail petition of the appellants in Darbhanga SC/ST P.S. Case No.13 of 2019, registered under Sections 147, 148, 149, 341, 323, 427, 384, 504, 506 and 379 of the Indian Penal Code and under Sections 3(i)(r)/3(i)(s) of the SC/ST Act.

The informant alleged that he along with Laldeo



Paswan took pond on settlement from the Director of Tirhut Industries Sugar Mill for the period June, 2018 to May, 2019 on consideration of Rs.2,25,000/-. The informant filed application before the Circle Officer, Keoti apprehending disturbance in fishing. When the informant went to fish out in the pond, the appellants are alleged to have threatened the informant and others and fished out the fishes from the pond causing loss of Rs.3,00,000/- to the informant.

Learned counsel for the appellants submits that the informant has not submitted any paper for settlement of the pond. The pond was earlier settled in favour of Madan Yadav. Some dispute arose due to settlement of the pond and that is why the informant lodged this case. No offence under any section of the SC/ST Act is made out.

Having considered the facts and nature of allegations made against the appellants and the fact that on the face of it, it appears that the occurrence took place due to fishing in the pond and it is a civil dispute, I find that the appellants deserve anticipatory bail.

Accordingly, appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged



on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga in connection with Darbhanga SC/ST P.S. Case No.13 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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