

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2029 of 2021

Arising Out of PS. Case No.-279 Year-2014 Thana- CHHATAPUR District- Supaul

1. UMESH YADAV, Son of Late Sukhdeo Yadav Resident of Village- Karahara, P.S.- Chhatapur, District- Supaul.
2. Navod Yadav @ Navod Kumar Yadav, Son of Umesh Yadav Resident of Village- Karahara, P.S.- Chhatapur, District- Supaul.
3. Tarni Yadav, Son of Late Bedo Yadav @ Bedanand Yadav Resident of Village- Karahara, P.S.- Chhatapur, District- Supaul.

... .. Appellant/s

Versus

THE STATE OF BHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar
For the Respondent/s	:	Mr. Kamal Kishore Singh
		Mr. Anil Kumar
		Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. Pranav Kumar, learned Advocate for

the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated
05.03.2020, passed by the learned Additional Sessions
Judge 1st cum Special Judge, Supaul, in A.B.P. No. 237
of 2020, arising out of Chhatapur P. S. Case No. 279 of
2014, dated 15.11.2014, whereby the prayer made on
behalf of the appellants for grant of anticipatory bail for



the offences punishable under Sections 147, 341, 323, 354 and 504 of the Indian Penal Code and Section 3 (I) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

A Title Suit (T. S. No. 55 of 1994) is going on between the appellants and the vendor of the complainant, namely, Misri Lal Yadav and others for partition of the family property.

In the aforesaid background, the complaint based FIR reveals that the complainant had purchased the referred plot from Misri Lal Yadav and others through registered sale deed and for that reason appellants abused and assaulted as well as purloined the bamboo sticks from the clump standing on the said land.

The learned counsel for the informant has opposed the prayer for anticipatory bail on the ground that there is direct and specific accusation against the appellants.

The learned Advocate for the appellants has



further submitted that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Considering the background facts referred to above and taking into account that some of the other accused persons of this case have been granted anticipatory bail, the order dated 05.03.2020, passed by the learned Additional Sessions Judge 1st cum Special Judge, Supaul, 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, Supaul, in connection with Chhatapur P. S. Case No. 279 of



2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and further with the condition that the appellants shall fully cooperate with the investigation / trial of the case and shall not leave the country without permission of the learned Trial Court. Should the appellants be found doing so, the court below shall be at liberty to cancel the bail bond of the appellants.

(Ashutosh Kumar, J)

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