

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2318 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- SC/ST District- Araria

1. SUSHANT YADAV @ SUSHANT KUMAR @PALTU SON OF LATE JAY PRAKASH YADAV Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.
2. Prashant Yadav @ Prashant Kumar @ Laltu Son of Late Jay Prakash Yadav Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.
3. Pramanand Yadav Son of Late Sukdeo Yadav Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.
4. Ramanand Yadav Son of Late Sukdeo Yadav Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.
5. Rajesh Yadav @ Arvindra Kumar Bharti Son of Late Sukdeo Yadav Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.
6. Ritesh Yadav @ Ritesh Kumar Bharti Son of Ramanand Yadav Resident of Village - Bharna Ward No.02, P.S.- Bhargama, Distt.- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 02-11-2021 Heard learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 02.02.2021,



passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Araria in connection with Araria SC/ST P.S. No.60 of 2020, corresponding to SC/ST Special Case No. 175 of 2020, registered for the offences punishable under Sections 341, 323, 354B, 379, 384, 427, 504 and 506/34 of the Indian Penal Code and Sections 3(2) (va) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per the allegation, the accused persons came to the house of the informant variously armed with iron rod, *lathi*, *danda* and .303 firearm. They abused the informant in filthy language by calling his caste name. They badly assaulted and also demanded ransom.

Learned counsel for the appellants has submitted that there is a land dispute between the parties, but he fairly admits that there is no paper which shows that there was land dispute between the parties. His further submission is that the FIR was lodged after delay of one month.

The reason for delay has been explained in the FIR itself. The informant has mentioned that he was waiting for amicable settlement of the dispute through a *Panchayat*, but it could not be done.

There is allegation of badly assault at the hands of the



appellants to the informant and also hurling of filthy language calling the caste name of the informant. Not a single chit of paper has been filed to establish that there is a land dispute between the parties.

In that view of the matter, the appeal is dismissed as not maintainable.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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