

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2492 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Gopal Yadav, S/o Kuldeep Yadav
 2. Matiya Devi, W/o Gopal Yadav
 3. Munni Devi, W/o Mukhlal Yadav
 4. Rambali Yadav, S/o Gopal Yadav
 5. Rani Devi @ Revi Devi @ Buti Devi, W/o Rambali Yadav
 6. Ranju Devi, W/o Deepak Yadav

All are R/o village- Siyari, P.S.- Magadh Medical College, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Asgher Najmi, Adv.
For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-07-2021 Heard Mr. Syed Asgher Najmi, the learned

Advocate for the appellants and Ms. Usha Kumari-1, the

learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

16.10.2020 passed by the learned Exclusive Special



Judge, SC/ST Act, Gaya in connection with Magadh Medical P.S. Case No. 188 of 2020, instituted for the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v-a) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of displaying drunken behaviour on a regular basis and creating disturbance for the informant with the sole purpose of pressurizing him in vacating the land over which he is in possession for the last fifty years.

It has been submitted on behalf of the appellants that a vague and general allegation has been levelled against all of them. The appellant No. 2 has also filed a case against the informant and others of the present case. It has further been submitted that from the perusal of the F.I.R. itself, it would appear that the dispute is with respect to land and the provisions of S.C./S.T. (Prevention of Atrocities) Act have been



inserted in the F.I.R. only for the purposes of putting pressure on the appellants for succumbing to the demands of the informant.

In view of the background facts, the learned counsel for the appellants has submitted that no case under any one of the provisions of the I.P.C. or S.C./S.T. (Prevention of Atrocities) Act can at all be said to have been made out.

Regard being had to the aforesaid submissions, the order dated 16.10.2020, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Magadh Medical P.S. Case No. 188 of 2020, subject to the conditions laid down under Section



438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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