

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1661 of 2020**

Arising Out of PS. Case No.-30 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Wazir Yadav, S/o Late Pandit Yadav, Resident of Village- Dhanhari, P.S.- Mohanpur, District- Gaya.
 2. Sankar Kumar @ Sankar Yadav, S/o Wazir Yadav, Resident of Village- Dhanhari, P.S.- Mohanpur, District- Gaya.
 3. Sona Devi, W/o Wazir Yadav, Resident of Village- Dhanhari, P.S.- Mohanpur, District- Gaya.
 4. Sanjay Kumar @ Sanjay Yadav, S/o Wazir Yadav, Resident of Village- Dhanhari, P.S.- Mohanpur, District- Gaya.
 5. Kuleshwar Kumar @ Kuleshwar Yadav, S/o Chander Yadav, Resident of Chhotaki Bhawani, P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 05-01-2021 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 12.02.2020, passed by learned Exclusive Special Judge, SC/ST Act, Gaya in a case registered for the offence punishable under Sections 341, 323 and 504 of the Indian Penal Code and Section 3 (1) (r) of the SC/ST Act, whereby anticipatory bail of the appellants have been rejected.

As per the complaint, on 10.03.2019, the accused



persons came to the house of complainant and abused them to vacate the land and also snatched away the documents relating to the land. It is further alleged that, on protest, they also assaulted the abused the informant and took away papers of Ekrarnama and Rs.80,000/-.

It is submitted on behalf of the appellants that due to land dispute, the appellants have falsely been implicated in this case and the falsity is apparent from the fact that the F.I.R. has been lodged after a lapse of 35 days from the alleged occurrence. Appellant Nos.1 to 4 have got clean antecedent while one case is pending against Appellant No.5, in which he is on bail.

However, learned Spl. P.P. for State vehemently opposed the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the nature of allegation and the materials available on record, this appeal is allowed and the impugned order dated 12.02.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the Court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction
of the learned Special Judge, SC & ST, Gaya in Complaint Case
No. 30 of 2019, Gaya and Trial No. 486 of 2019.

(Prabhat Kumar Singh, J)

Ankit/-

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