

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2024 of 2020

Arising Out of PS. Case No.-736 Year-2019 Thana- KHAGARIA District- Khagaria

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1. AWADH YADAV
 2. Karelal Yadav
Both S/o Polo Yadav
 3. English Yadav S/o Chhotelal Yadav Resident of Village-Ekaniya Diyara,
P.S.-Muffasil, District-Khagaria.
 4. Vijo Mandal S/o Prakash Mandal
 5. Rajiv Mandal @ Rajendra Mandal
 6. Jogo Mandal @ Jogendra Mandal
Both S/o Balo Mandal
All are resident of Village-Ekaniya Diyara, P.S.-Muffasil, District-
Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar
For the Respondent/s : Mr. Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-01-2021 At the outset, it is submitted that during the pendency of this Appeal, Appellant No. 5 (Rajiv Mandal @ Rajendra Mandal) has already been arrested and the application as against him has become infructuous.

It is, accordingly, dismissed as having become infructuous so far as Appellant No. 5 (Rajiv Mandal @ Rajendra Mandal) is concerned.

Heard learned counsel for the appellants and learned Special P.P. for the State.



The present appeal has been filed against the order dated 12.02.2020 passed by learned Additional Sessions Judge 1st, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 736/2019 registered for the offences punishable under Sections 147/148/149/341/323/354(A)/379/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(x)(1) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, all the FIR named accused persons armed with rifle and *lathi* entered into the house of the informant, fired and looted 5 bags of wheat and 7 bags of maize worth rupees fifteen thousand. It is further alleged that earlier the appellants have threatened not to watch the crop standing in the field of Santan Choudhary.

It is submitted that all the family members have been made accused in this case due to land dispute. It is further submitted that the date of occurrence is 23.09.2019 and the FIR has been lodged on 24.09.2019 for which no plausible explanation has been given. The occurrence is said to have taken place in the informant's house as such no case under SC/ST Act is made out and there is general and omnibus allegation against



the appellants. Appellants have clean antecedents.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 12.02.2020 passed by learned Additional Sessions Judge 1st, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 736/2019 is set aside and appeal is allowed.

Accordingly, let the appellants No. 1, 2, 3, 4 and 6, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 736/2019.

(Prabhat Kumar Singh, J)

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