

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.302 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. BULLU YADAV @ BALLU YADAV @ VIJAY YADAV @ VIJAY SINGH, S/O LATE LALAI YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
2. BALWANT YADAV S/O LATE RAMDHARI YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
3. BASANT YADAV S/O LATE RAMDHARI YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
4. NAGINA YADAV @ RAM NAGINA YADAV S/O LATE RAJA YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
5. AKHILESH YADAV @ AKHILESH SINGH S/O LATE NARESH YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
6. BHULAN YADAV S/O KANTA YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
7. KAMLA DEVI @ GAMLA DEVI W/O BALWANT YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR
8. KRISHNAWATI DEVI W/O BASANT YADAV RESIDENT OF VILLAGE SIRHIRA TOLA KAUA THOR, P.S. CHAND, DISTRICT KAIMUR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Bhaskar Shankar  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      25-06-2021                      Heard Mr. Krishna Prasad Singh, learned senior  
  
Advocate for the appellants and Mr. Binay Krishna,  
  
learned Special Public Prosecutor for the State.



This appeal is directed against the order dated 19.09.2020, passed by the learned Additional Sessions Judge I – cum – Special Judge, Kaimur at Bhabhua, in A.B.P. No. 748 of 2020, arising out of Bhabhua SC/ST P. S. Case No. 29 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 354 (B), 379, 323, 341, 506, 147 and 149 of the Indian Penal Code and Sections 3 (1)(f)(g)(r)(s)(w)(2a) and 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having demolished the boundary wall erected by the informant and also of abusing and assaulting the members of the prosecution party.

The learned counsel for the appellants has submitted that, no doubt, there is a dispute between the parties and precisely for that reason, a 107 proceeding has been initiated against them but charging them for



the offences under the Sections of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only with an ulterior motive of adding serious colour to the case.

It has been submitted that there is no injury report on the record and the accusation in the F.I.R. clearly reveals that there is a dispute over a plot of land in question.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can, therefore, be said to have been made out.

The real dispute lies somewhere else.

For the afore-stated reasons, the appeal is allowed.

The order dated 19.09.2020, passed by the learned Additional Sessions Judge I – cum – Special Judge, Kaimur at Bhabhua, is set aside



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 I – cum – Special Judge, Kaimur at Bhabhua in connection with Bhabhua SC/ST P. S. Case No. 29 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

**(Ashutosh Kumar, J)**

skm/-

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