

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.124 of 2021**

Arising Out of PS. Case No.-146 Year-2016 Thana- KURSAKANTA District- Araria

1. JAI KRISHNA YADAV Son of Late Anandi Yadav Resdent of Village - Boraha Haldhora, P.S.- Kursakanta, Distt.- Araria.
2. Rajesh Kumar Yadav Son of Jai Krishna Yadav Resdent of Village - Boraha Haldhora, P.S.- Kursakanta, Distt.- Araria.
3. Kameshwar Yadav @ Kameshwar Prasad Yadav Son of Late Uchit Lal Yadav Resdent of Village - Boraha Haldhora, P.S.- Kursakanta, Distt.- Araria.
4. Deepak Kumar Yadav Son of Kameshwar Yadav Resdent of Village - Boraha Haldhora, P.S.- Kursakanta, 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. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-10-2021 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 20.6.2020 passed by learned 1st Additional Sessions-cum-Special Judge, Araria in ABP No. 471 of 2020 whereby the prayer for bail of the appellants in connection with Special (SC/ST) Case no. 291 of 2017 arising out of Kursakanta P.S. Case No. 146 of 2016 under Section 147, 148, 323, 27, 436, 354B, 379/34 of the Indian Penal Code and section 3(i)(vi)(x)(xi) and (xii) of SC/ST Act was rejected.



Allegations against the appellants are of destroying the house after entering into the house of the informant and on oppose made by the informant, they started assaulting her by giving the caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration that police has submitted chargesheet after giving benefit of section 41-1 CrP.C., only under sections 341, 323, 427/34 of the IPC and sections 3(i)(r) of the SC/ST Act and, accordingly, cognizance has been taken by the learned court below and thereafter vide order dated 20.6.2020, the learned 1st Additional Sessions Judge-cum-Special Judge, Araria has rejected the anticipatory bail of the appellants.

In view of the above, this Court does not find any infirmity or illegality in the order of learned Court below.

Accordingly, the appeal with regard to the appellants for release the appellants on anticipatory bail is rejected.



However, if the appellant surrenders and prays for regular bail within a period of six weeks, the same shall be considered by the court below, without being prejudiced by the order of this Court.

With the aforesaid observation/direction, the appeal stands disposed off.

(Sunil Kumar Panwar, J)

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