

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.314 of 2021**

Arising Out of PS. Case No.-296 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. Ghanshayam Yadav @ Chhotak Yadav, Son Of Late Babulal Yadav, Resident Of Village - Karisath, P.S.- Udwantnagar, District - Bhojpur.
2. Mukesh Kumar @ Langar Yadav @ Mukesh Kumar Yadav, Son Of Rajaram Yadav, Resident Of Village - Karisath, P.S.- Udwantnagar, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar- Advocate

For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

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

2 28-06-2021 Heard Mr. Sanjeev Kumar, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The learned Advocate for the appellants seeks permission to withdraw the application with respect to appellant no.1, who has been arrested during course of the pendency of this appeal.

The appeal on behalf of the appellant no.1 is dismissed as having become infructuous.

The appellant no.2 has challenged the order dated 22.09.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Udwantnagar



(Gajrajganj) P. S. Case No.296 of 2020, instituted for the offences under Sections 341, 323, 354(A), 504 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation against the appellant no.2 in the F.I.R. is that he has misbehaved with the informant and has also assaulted the members of the prosecution party. The occurrence is said to have taken place at 9 O'clock in the night.

It has been urged on behalf of appellant no.2 that because of an old land dispute, this case has been lodged and that the offences under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act would not get attracted as no member of the public is stated to have witnessed the occurrence, assuming that such an occurrence had taken place.

For the reasons afore-stated, the order dated 22.09.2020, referred to above, is set aside.

The appeal stands allowed.

The appellant no.2, above named, in the event of



his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Udwantnagar (Gajrajganj) P. S. Case No.296 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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