

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.844 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- RANIYATALAB District- Patna

1. RAM NARAYAN YADAV @ RAM NARAYAN SINGH Son of Sarjug Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
2. Shyam Nandan Yadav Son of Late Ishwar Yadav @ Ishar Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
3. Pramod Yadav @ Pramod Kumar Son of Late Lal Bihari Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
4. Lagandip Yadav Son of Late Rameshwar Yadav @ Ram Pravesh Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
5. Pramod Yadav @ Pramod Kumar Son of Chanddeo Yadav @ Chandra Deo Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
6. Chanddeo Yadav @ Chandra Deo Yadav Son of Late Jitwahan Yadav Resident of Haibaspur, P.S. - Rani Talab, District - Patna.
7. Baban Yadav @ Birendra Kumar Son of Nand Kishor Yadav @ Nand Kishore Singh Resident of Haibaspur, P.S. - Rani Talab, District - Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr. Binay Kirshna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The appellants have challenged the order dated
24.09.2020 passed by learned Special Judge, SC/ST Act, Patna



in ABP No. 5672/20 in connection with Special Case No. 322/20 arising out of Rani Talab P.S. Case No. 168/20 registered for the offences under sections 147, 149, 341, 323, 307, 504, 506 and 27 of the Arms Act and 3(i)(r)(s)(f), 3(f)(va) of SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that while the informant was ploughing the field, the accused persons came and assaulted and also abused by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is a case and counter case between the parties. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. There is admitted land dispute between the parties. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.



Considering the aforesaid facts and circumstances, the order dated 24.09.2020 passed by learned Special Judge, SC/ST Act, Patna in ABP No. 5672/20 in connection with Special Case No. 322/20 arising out of Rani Talab P.S. Case No. 168/2020 is set aside.

The appeal stands allowed.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 322/20 arising out of Rani Talab P.S. Case No. 168/20.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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