

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2974 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- MANIHARI District- Katihar

1. SHIV SHANKAR YADAV @ JATULI YADAV Son of Late Chindi Yadav @ Late Chedi Yadav Resident of Village - Mirzapur, P.S.- Manihari, District - Katihar
2. Amir Lal Yadav Son of Late Chindi Yadav @ Late Chedi Yadav Resident of Village - Mirzapur, P.S.- Manihari, District - Katihar
3. Pankaj Kumar Yadav Son of Late Ram Nath Yadav Resident of Village - Mirzapur, P.S.- Manihari, District - Katihar
4. Yogendra Yadav Son of Late Dil Singar Yadav Resident of Village - Mirzapur, P.S.- Manihari, District - Katihar

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 15-11-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 10.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Manihari P.S. Case No. 200 of 2019 registered under Section 436/34 of the Indian Penal Code and Section 3(ii) (iv) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that appellant nos.1 & 2 in association of appellant nos.3 & 4 had forcibly set ablaze the house of the informant as well as grains, clothes and cash.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. As a matter of fact, while the informant was cooking her meal, due to high wind the fire caught in the thatched house. It is also submitted that the informant has forcibly grabbed the land of the appellants and in order to keep the appellants away from the encroached land this false and fabricated case has been lodged against them. Appellants have no criminal antecedent.

Learned Spl. PP for the State vehemently opposing the prayer for bail submitted that there is no chit of paper on record to show that the land belongs to the appellants and from perusal of the case diary the allegation of the informant seems to be true.

In the facts and circumstances of the case, I am not



inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

However, the appellants are directed to surrender before the learned Court below within four weeks from today and seek regular bail which will be considered on its own merits without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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