

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3081 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- AGAMKUAN District- Patna

-
1. KRISHNA YADAV @ KRISHNA GOPE Son of Late Bifan Yadav Resident of Village - Chhoti Pahari, Devi Asthan, P.S.- Agamkuan, Dist.- Patna.
 2. Rajesh Kumar Son of Krishna Yadav @ Krishna Gope Resident of Village - Chhoti Pahari, Devi Asthan, P.S.- Agamkuan, Dist.- Patna.

... .. Appellants.

Versus

1. The State of Bihar.
2. Rajendra Paswan Son of Late Atawari Paswan Resident of Village - Chhoti Pahari, Devi Asthan, P.S.- Agamkuan, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Nand Kishore Prasad, Advocate.
For the Informant	:	Mr. Raj Krishna Jha, Advocate.
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 07-12-2021 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

Today a counter affidavit has been filed on behalf of the informant.

Let it be kept on record.

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 28.06.2019 passed by learned Additional



Sessions Judge-XIII-cum-Special Judge (SC/ST Act), Patna in connection with Special Case No.180/19 registered under Sections 341, 323, 324, 307, 379, 504 & 506/34 of the Indian Penal Code and Section 3 (x) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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 land dispute. There was free fight between both the parties and both the parties sustained injury. There is case and counter case between the parties. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The learned lower Court has also not mentioned any injury in the impugned order. It is further submitted that similarly situated co-accused, Tuntun Yadav and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.05.2019 passed in Cr. Appeal (SJ) No.1510 of 2019. Appellants have no criminal antecedent.

Learned counsel for the informant and learned Spl. PP for the State vehemently opposing the prayer for bail submitted that there is specific allegation against both the appellants, hence they do not deserve anticipatory bail.



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. Appellants are directed to surrender before the learned Court below within four weeks from today and seek regular bail and the learned Court below is directed to pass an order on the same day without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

