

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.845 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- IMAMGANJ District- Gaya

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1. DILIP YADAV S/o Late Ramphal Yadav Resident of Village- Loknachak, P.S.- Imamganj, Distt- Gaya
 2. Ajay Yadav S/o Krishna Yadav Resident of Village- Loknachak, P.S.- Imamganj, Distt- Gaya
 3. Guddu Yadav S/o Krishna Yadav Resident of Village- Loknachak, P.S.- Imamganj, Distt- Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Sharda Devi W/o Rakesh Kumar Resident of Village- Loknachak, P.S.- Imamganj, Distt- Gaya.

... .. Respondent

Appearance :

For the Appellant/s : Mr.S. Jamil Akhtar, Advocate

For the Respondent/s : Mr. Binoy Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-03-2021 Heard learned counsel for the appellants and the learned
Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellants have preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 15.10.2020 passed by the learned Exclusive Special Judge, SC/ST, (P.O.A.), Gaya, in B.P. No. 292 of 2020, in connection with Imamganj P.S. Case No. 112 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307 of the Indian Penal Code, and Section 3(i)(r)(s) of the SC/ST Act, and also for setting aside the aforesaid order dated



15.10.2020.

The allegation is that based on a dispute regarding erecting boundary wall, the accused persons have assaulted the informant and her husband. Specific assault has been alleged against co-accused Krishna Yadav and Deen Dayal Yadav as well as appellant No. 1.

Learned Counsel for the appellants submits that they have falsely been implicated based on subsisting land dispute. The appellants have no criminal antecedent.

Learned Special P.P. has drawn attention of the Court towards the allegation against appellant No. 1 who is alleged to have assaulted by iron rod on the jaw of the informant.

Considering the rival submissions and having regard to the specific assault alleged against the appellant No. 1 Dilip Yadav, this Court is not inclined to interfere with the order rejecting his prayer for bail.

In so far as the other two appellants namely Ajay Yadav and Guddu Yadav this Court is inclined to allow their prayer for bail.

Accordingly, let the appellant Nos. 2 and 3 namely Dilip Yadav and Guddu Yadav, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Imamganj P.S. Case No. 112 of 2020.

In the result, the appeal is allowed and the impugned order dated 15.10.2020 is set aside in so far as appellant Nos. 2 and 3 are concerned.

This appeal however is dismissed in so far as appellant No. 1 is concerned.

(Madhuresh Prasad, J)

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