

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3874 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- BANDHUWA KURAWA District- Banka

1. SHYAMDEO YADAV Son of Horil Yadav Resident of Village-Saraiya, P.S-Bandhua Kurawa, District-Banka.
2. Gyandeo Yadav Son of Horil Yadav Resident of Village-Saraiya, P.S-Bandhua Kurawa, District-Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 23-03-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants have challenged the order dated 25.06.2019 passed by learned Additional Sessions Judge -1st Banka in ABP No. 572/2019 in connection with Bandhuwa Kurawa P.S. Case No. 101/2018 registered for the offences under sections 147, 148, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code and 3(1)(x) 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 owing to land dispute, the accused persons started abusing the informant by



taking his 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. Though the appellant no. 1 is said to make assault upon one Nago Paswan but the injury report of said person does not show whether the injury is grievous or simple. So, it cannot be ascertained whether offence under section 307 IPC is made out or not. 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, this Court is inclined to set aside the order dated dated 25.06.2019 passed by learned Additional Sessions Judge -1st Banka in ABP No. 572/2019 in connection with Bandhuwa Kurawa P.S. Case No. 101/2018 by which the anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of



arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -1st Banka in connection with Bandhuwa Kurawa P.S. Case No. 101/2018.

The appeal stands allowed.

(Sudhir Singh, J)

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