

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5575 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Sanjay Kumar Yadav @ Sanjay Yadav Son of Laxman Yadav Resident of Village - Brahmotra, P.S.- Ashok Paper Mill, Distt - Darbhanga.
 2. Surendra Yadav Son of Rambriksh Yadav Resident of Village - Brahmotra, P.S.- Ashok Paper Mill, Distt - Darbhanga.
 3. Jagdish Yadav Son of Late Ram Prasad Yadav Resident of Village - Brahmotra, P.S.- Ashok Paper Mill, Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar Prasad, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Manish Kumar No.13, Adv.
		Mr.Rohit Kumar No.5, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-12-2021 Heard learned counsel for the appellants, learned counsels
for the informant and learned Spl.P.P. for the State.

This is an appeal under section 14(A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 8-11-2019, passed by learned 1st Additional Sessions Judge- cum- Special Judge (P.O.A. Act), Darbhanga, in connection with Ashok Paper Mill P.S. Case No.58/2019, registered under sections 341, 323, 379, 354(B), 504 and 506/34



of the IPC. Later on charge sheet/ Final form has been submitted u/s 341, 323, 354, 504, 506/34 of the IPC and under sections 3(1) (r) (2a) of the Scheduled Castes and Scheduled Tribes (POA) Act.

The prosecution case in brief is that the appellants along with other accused persons entered into the courtyard of the informant armed with weapons. It is alleged that the appellant no.1 abused the informant and asked to pay Rs.25,000/- and a land. Thereafter, on refusal, he assaulted her by bamboo stick. The accused persons also assaulted the informant's daughter.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case because of admitted land dispute between the parties. The specific allegation is only against appellant no.1 and the allegation against appellant nos.2 and 3 are general and omnibus in nature. There is an inordinate delay of five days in lodging the FIR as the occurrence took place on 08.05.2019 but the FIR has been lodged on 13.05.2019 and no explanation has been given for the said delay. The occurrence took place in the courtyard of the informant and not in a public



place and therefore no case under the SC/ST Act is made out against the appellants. In the restatement of the informant at para-4 of the case diary, it is clearly mentioned that the place of occurrence is her courtyard but during course of investigation, the place of occurrence has been shown as agricultural field and thus charge sheet has been filed under the SC/ST Act. It is further submitted that the appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of appeal, as such, they may be granted the privilege of anticipatory bail.

Learned Spl. PP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail by submitting that the appellants are named in the FIR and there is specific allegation against the appellants of abusing the informant but has not disputed the fact that the place of occurrence is the courtyard of the informant.

Having gone through the rival submissions of the parties and considering the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties



of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Ashok Paper Mill P.S. Case No.58/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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