

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5750 of 2019

Arising Out of PS. Case No.-198 Year-2019 Thana- PHULPARAS District- Madhubani

1. ASHOK YADAV @ ASHOK KUMAR YADAV Son of Siya Ram Yadav, Resident of Village - Konar, P.S.- Phulparas, District- Madhubani
2. Sifait Yadav Lal Yadav @ Saifait Yadav @ Sifait Yadav, Son of Late Abadh Yadav, Resident of Village - Konar, P.S.- Phulparas, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5765 of 2019

Arising Out of PS. Case No.-198 Year-2019 Thana- PHULPARAS District- Madhubani

1. SIYA RAM YADAV Son of Late Abadh Yadav, Resident of Village - Konar, P.S.- Phulparas, District- Madhubani
2. Murli Kumar @ Murli Yadav Son of Ashok Yadav @ Ashok Kumar Yadav, Resident of Village - Simra, P.S.- Phulparas, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5750 of 2019)

For the Appellant/s : Mr.Manish Kumar No 13

For the Respondent/s : Mr.Binay Krishna, APP

(In CRIMINAL APPEAL (SJ) No. 5765 of 2019)

For the Appellant/s : Mr.Manish Kumar No 13

For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-02-2021 The appellants of Cr.Appeal (S.J.) No.5750 of 2019

and appellants of Cr.Appeal (S.J.) No.5765 of 2019 are accused

in Phulparas P.S. Case No.198 of 2019, therefore, both the

appeals are heard together.



Heard both sides.

The appellants filed these appeals under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act for grant of anticipatory bail in Phulparas P.S. Case No.198 of 2019 registered under Sections 323, 341, 324, 325, 308, 379, 504 and 34 of the I.P.C. and under Section 3(i)(r) of the SC/ST Act.

The informant alleged that he was washing his buffalo in government pond but in the meantime Ranjan Yadav, Santosh Yadav, Ashok Yadav, Siyaram Yadav, Sifait Yadav and others came to the informant, abused the informant by naming his caste and also asked that why he was washing his buffalo in pond. Siyaram Yadav abused the informant by naming his caste and also exhorted to kill the informant. On such, Ranjan Yadav assaulted him with an axe and other accused persons including the appellants assaulted the informant with lathi and iron rod. On alarm, many villagers came and saved the informant. The informant further alleged that the son and family members of the informant were also assaulted. Siyaram Yadav had deceitfully constructed the house on the land of the informant and he neither paid money nor gave land in exchange of land of the informant.

Learned counsel for the appellants submits that there



is a counter version being Phulparas P.S. Case No.200 of 2019. There is a bona fide land dispute between two sides. The appellant Siyaram Yadav filed Title Suit No.06 of 1987 for correction of Record of Rights. Siyaram Yadav also purchased 17 dhoor of land from Motilal Paswan (father of the informant) by a registered sale deed. It is submitted that no occurrence as alleged by the informant has taken place.

Learned A.P.P. submits that there is specific allegation that on the order of Siyaram Yadav firstly Ranjan Yadav assaulted the informant and thereafter other accused persons including the appellants assaulted the informant with iron rod and lathi. They also abused the informant and his family members after assaulting them. The occurrence took place in a public place and therefore, the appellants do not deserve anticipatory bail.

It appears that the occurrence took place in a public place while the informant was washing his buffalo but the appellants and other accused persons objected, they abused the informant by naming his caste and also assaulted him. The witnesses have supported the version of the informant.

Taking into consideration the facts aforesaid and the fact that of course there is a counter version but since the



appellants are alleged to have abused the informant in a public place and also assaulted him, I am not inclined to enlarge the appellants of both appeals on anticipatory bail. Accordingly, the same is rejected.

Both appeals stand dismissed.

(Prabhat Kumar Jha, J)

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