

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- BARBIGHA District- Sheikhpura

1. KOPENDRA YADAV S/O LATE SHITAL YADAV R/o village- Samas Khurd, Tola Balwa Per, P.S.- Barbigha, District- Sheikhpura
2. Sikandra Yadav S/o Late Shital Yadav R/o village- Samas Khurd, Tola Balwa Per, P.S.- Barbigha, District- Sheikhpura
3. Karu Yadav @ Chandan Kumar S/o Late Kopendra Yadav R/o village- Samas Khurd, Tola Balwa Per, P.S.- Barbigha, District- Sheikhpura
4. Vikash Kumar S/o Late Bijay Yadav R/o village- Samas Khurd, Tola Balwa Per, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-09-2022 Heard learned counsel for the appellants 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) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 06.01.2022 in A.B.P. No. 816 of 2021 passed by the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 68 of 2021 arising out of Barbigha P.S. Case No. 310 of 2021 registered for the offences



punishable under Sections 384, 406, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act as well as 3 (i) (r) (s) of SC/ST Act.

The informant alleges that on 17.10.2020 he had taken 15.5 decimal of land through registered lease no. 4908 from Mahendra Yadav after taking no objection from all brothers of Mahender, but when the informant spent about 30,00,000/- in construction of his house, the accused appellants on 15.07.2021 came and abused him by taking caste name, further appellant no. 2 fired on account of which labourers involved in construction of the house fled, it also alleged that the accused appellants demanded extortion on which the informant paid Rs. 50,000/- to Sikander on 15.08.2021, further it is alleged that Sikandar and Kara again came on the next day and demanded extortion of Rs. 5,00,000/- for allowing him to proceed with construction of his house.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case. It is next submitted that even presuming what has been alleged is true, without admitting, then the occurrence did not take place in public view, rather the occurrence took place at the house of the informant.



Learned counsel next submits that the land belongs to the appellants as it is an ancestral property and Mahender Yadav had leased the land after taking consent of all the brothers for 19 years and when the period of lease was over, it was again extended without taking consent of the brothers, including the appellants, on account of which a dispute arose and the informant being aware that SC/ST Act is potent to implicate someone falsely by taking help of the law, falsely implicated the appellants with the aforesaid allegation, it is also submitted that allegation of extortion is ornamental in nature.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 06.01.2022 in A.B.P. No. 816 of 2021 passed by the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 68 of 2021 arising out of Barbigaha P.S. Case No. 310 of 2021 is hereby set aside and the appellants above-named, in the event of their arrest or 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. 5,000/- (Rupees Five Thousand) 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 Barbiga P.S. Case No. 310 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

gauravkr/-

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

