

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3927 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- BHANGHA District- West Champaran

1. JANGBAHADUR YADAV Son of Late Ganga Yadav Resident of Village- Chauhatta, P.S.- Manpur, District- West Champaran.
2. Yogendra Yadav Son of Late Ganga Yadav Resident of Village- Chauhatta, P.S.- Manpur, District- West Champaran.
3. Nitesh Yadav Son of Sri Yogendra Yadav Resident of Village- Chauhatta, P.S.- Manpur, District- West Champaran.
4. Prabhu Yadav S/o Late Bhulan Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.
5. Shambhu Yadav S/o Sri Bhulan Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.
6. Mohan Yadav S/o Sri Bhulan Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.
7. Kuwar Yadav Son of Late Ramdeo Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.
8. Dhanesh Yadav Son of Late Ramdeo Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.
9. Jitendra Yadav S/O Sri Seth Yadav Resident of Village- Kamlanagar, P.S.- Manpur, District- West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 06-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.



This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 26.11.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna in A.B.P. No. 1338 of 2021 arising out of Bhangaha P.S. Case No. 29 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 384, 504, 506 of the Indian Penal Code & Section 3(1)(r) and 3 (2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons including the petitioners came to the field of the informant and they started uprooting the plants from the land. The allegation against petitioner No. 2 is that on his order co-accused Mukesh Yadav started dragging the informant after wrapping *gamacha* around his neck. Petitioner No. 10 (petition withdrawn) assaulted the informant with *dabiya* and also abused him by calling his caste name. They were demanding a ransom of rupees eight lacs in lieu of handing over the possession of disputed plot to them. They were also uttering that they had taken the title of that land and the deed was executed in their favour.



Learned counsel for the appellants has submitted that there is land dispute between the parties. A number of cases are pending between them and the FIR shows itself that the said land was transferred to the informant through sale deed.

On the other hand, learned counsel for the informant has submitted that there is not any paper showing that the disputed land was transferred in favour of the petitioners.

It appears that there is land dispute between the parties and occurrence has taken place due to that land dispute, as such, it cannot be said that the occurrence has taken place due to malicious feeling of caste.

Petitioner No. 1 and 2 have criminal antecedents of five cases. As such, they do not deserve the privilege for bail. Accordingly, their prayer for bail is **rejected**.

In view of the above mentioned facts and circumstances, appellants Nos. 3 to 9, in the event of arrest or surrender within four weeks from today, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Bhangaha P.S. Case No. 29 of 2021.



The criminal antecedents of the petitioner Nos. 3 to 9 is directed to be verified by the learned court below.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/-

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

