

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2975 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- JAYNAGAR District- Madhubani

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1. RAM NARAYAN YADAV SON OF SONE YADAV R/O VILLAGE- KORHAIYA GOTH, P.S.- JAINAGAR, DISTRICT- MADHUBANI
 2. BABITA DEVI WIFE OF LAL YADAV R/O VILLAGE- KORHAIYA GOTH, P.S.- JAINAGAR, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. USHA DEVI WIFE OF JITAN PASWAN R/O VILLAGE- KORHAIYA GOT, P.S.- JAINAGAR, DISTRICT- MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 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 23.07.2022 in A.B.P. No. 710 of 2022 and A.B.P. No. 1330 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Jaynagar P.S. Case No. 103 of 2022 registered for the offences punishable under Sections 341, 323, 324, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellants submits that



appellants are persons with clean antecedent and the appellant no. 2 is a woman and the informant alleges that on account of dispute relating to land, the accused persons including the appellants came on 28.03.2022 and Lal Yadav abused and assaulted her, when Pradeep came to save her, then the accused assaulted him with *Gandasa* and *Farsa* causing injury on leg, it is next alleged that she was also assaulted and received injuries on head and the accused persons even assaulted her family members and Ram Narayan threatened with *Gandasa* in hand.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that the allegation of assault is general and omnibus in nature and the informant does not allege that appellant no. 1 assaulted her though it is alleged that she was informed by wife of Pradeep that appellant no. 1 had assaulted her causing injury on head, it is further submitted that as far as appellant no. 2 is concerned, the allegation against her is general and omnibus in nature. It is also submitted that on account of dispute relating to land, a false case came to be instituted which would manifest from the fact that the date of occurrence is 28.03.2022 and the F.I.R. came to be instituted on 08.04.2022 and that too based on written application of the informant, it is also submitted that the delay has not been explained which creates doubt with regard to the veracity



of the allegation as alleged.

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 23.07.2022 in A.B.P. No. 710 of 2022 and A.B.P. No. 1330 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Jaynagar P.S. Case No. 103 of 2022 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. 10,000/- (Rupees Ten 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 Jaynagar P.S. Case No. 103 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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