

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4380 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- RANIYATALAB District- Patna

MANTU YADAV @ ARJUN YADAV Son of Late Sajjan Yadav Resident of
Village - Hawaspur, P.S.- Rani Talab, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ghanshyam Tiwary, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the appellant 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 29.09.2021 in ABP No. 6691 of 2021 in Special Case No. 322 of 2020 passed by the learned Special Judge, SC/ST Act, Patna in connection with Rani Talab P.S. Case No. 168 of 2020 registered under Sections 147, 149, 341, 323, 307, 504, 506 and of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r),(s),(f), and 3(f) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellant submits that the



appellant is a person with clean antecedent and the informant alleges that on 23.07.2020 ,while he was ploughing his field by a tractor, when the accused persons, including the appellant, came and assaulted the driver and when the informant objected he was also objected by the accused persons, it is next alleged that when the nephew of the informant tried to rescue him the accused persons namely Upendra Yadav and Pramod Yadav resorted to firing upon the informant but he managed to escape, it is next alleged that reason for the occurrence is land dispute.

Learned senior counsel for the appellant submits that appellant has been falsely implicated in the present case, on account of land dispute, the present case has been instituted, it is also submitted that the allegation of assault is not specific rather the allegation is general and omnibus in nature and as far as allegation of firing is alleged the same is ornamental in nature to give serious colour to the case, it is next submitted that similarly situated co-accused Ram Narayan Yadav and others have been granted anticipatory bail by order dated 24.06.2021 in Cr. Misc. Appeal (SJ) No. 844 of 2021 by the learned Co-ordinate Bench.

Learned Spl.P.P. for the State oppose the prayer for appeal (anticipatory bail) of the appellant.

Considering the submissions made by the learned



counsel for the appellant, the order dated 29.09.2021 in ABP No. 6691 of 2021 in Special Case No. 322 of 2020 passed by the learned Special Judge, SC/ST Act, Patna in connection with Rani Talab P.S. Case No. 168 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Rani Talab P.S. Case No. 168 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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