

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4711 of 2021

Arising Out of PS. Case No.-279 Year-2021 Thana- NATHNAGAR District- Bhagalpur

1. BIBHISHAN YADAV Son of Late Ramdeo Yadav Resident of Village - Gosaidaspur, P.S.- Nathnagar, District - Bhagalpur.
2. Neelu Devi @ Mamta Devi Wife of Bibhishan Yadav Resident of Village - Gosaidaspur, P.S.- Nathnagar, District - Bhagalpur.
3. Sumit Yadav @ Sumit Kumar Son of Bibhishan Yadav Resident of Village - Gosaidaspur, P.S.- Nathnagar, District - Bhagalpur.
4. Amit Kumar @ Amit Yadav Son of Bibhishan Yadav Resident of Village - Gosaidaspur, P.S.- Nathnagar, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Deepa Devi Wife of Chandan Paswan R/o vill- Gosaidarpur, P.S.- Nathnagar Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-12-2022 Heard learned counsel for the appellant, learned
Special P.P. for the State.

The present appeal has been filed against order dated 28.1.2021 passed by learned 3rd Addl. Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 279/2021 registered for the offence punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Caste and the Scheduled Tribes (POA) Act (for short “SC/ST Act”),



whereby the prayer for anticipatory bail of appellant was rejected.

As per FIR., the appellants started abusing the informant without any reason, and on protest, they assaulted the informant by lathi and danda due to which she got injured. It is further alleged that the appellants had snatched golden chain from the informant.

Learned counsel for the appellant submits that the appellants have been falsely implicated in this case due to land dispute between the parties, earlier the informant had lodged a case vide Nathnagar P.S. Case No. 232 of 2021 against the appellant which was found false. There is general and omnibus allegation of abuse and assault against the appellant and no case under the SC/ST Act is made out.

The appeal is vehemently opposed by learned Special P.P.

Considering the aforesaid facts and circumstances, the impugned order dated 28/10/2021 so far as this appellant is concerned, is hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on 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 3rd Addl. Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 279/2021.

(Prabhat Kumar Singh, J)

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