

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.66 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- RASULPUR District- Saran

LAL BAHADUR YADAV Son of Ganeshi Yadav, Resident of Village -
Chanchaura, P.s.- Rasulpur, Distt.- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 72 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- RASULPUR District- Saran

1. VIRENDRA YADAV @ BIRENDRA YADAV S/o Lal Bahadur Yadav
Resident of Village- Chanchaura, P.S.- Rasulpur, District- Saran.
2. Abhishek Kr. Yadav Son of Birendra Yadav Resident of Village-
Chanchaura, P.S.- Rasulpur, District- Saran.
3. Anup Kr. Yadav Son of Harendra Yadav Resident of Village- Chanchaura,
P.S.- Rasulpur, District- Saran.
4. Nagendra Yadav Son of Mangaru Yadav Resident of Village- Chanchaura,
P.S.- Rasulpur, District- Saran.
5. Hardan Singh @ Hardam Singh Son of Dharmanath Singh Resident of
Village- Chanchaura, P.S.- Rasulpur, District- Saran.
6. Abhinay @ Abhinav Kumar @ Vinay Kumar Yadav Son of Harendra Yadav
Resident of Village- Chanchaura, P.S.- Rasulpur, District- Saran.
7. Arvind Kr. Yadav Son of Lal Bahadur Yadav Resident of Village-
Chanchaura, P.S.- Rasulpur, District- Saran.
8. Balendra Kumar Yadav Son of Bahadur Yadav Resident of Village-
Chanchaura, P.S.- Rasulpur, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 66 of 2022)

For the Appellant/s : Mr.Pawan Kumar Singh

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 72 of 2022)

For the Appellant/s : Mr.Pawan Kumar Singh

For the Respondent/s : Ms.Usha Kumari 1



**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-07-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the 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, 1989 for setting aside the order dated 06.09.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Rasulpur P.S. Case. No.117 of 2021 registered for offence punishable under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants have been rejected.

The informant, who is a Constable in C.R.P.F, made allegation against the appellants that they abused him by calling caste name and also assaulted him. The allegation against co-accused Balendra Yadav and Virendra Yadav is that they wrapped *Gamchha* around the neck of informant and they



snatched Rs.50,000/- from his pocket.

The learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case. He has submitted further that there is land dispute between the parties because the informant wanted to grab the land, which was sold by the father of the informant in favour of appellant, Birendra Yadav. He has also submitted that the proceeding under Section 144 of the Code of Criminal Procedure was also undergone between the parties and the injuries sustained by the informant side are simple in nature.

There is admittedly land dispute between the parties, as such, the provisions of SC/ST Act do not attract *prima facie* in this case. Accordingly, the appeal is allowed and the order dated 06.09.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Rasulpur P.S. Case. No. 117 of 2021 is set aside.

Let the appellants above-named, in the event of arrest or surrender before the court below within four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-



Special Judge, SC/ST (POA) Act, Saran at Chapra in connection
with Rasulpur P.S. Case. No. 117 of 2021.

Office shall ensure that all defects are removed by the
petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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