

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4809 of 2019

Arising Out of PS. Case No.-81 Year-2017 Thana- SINGHWARA District- Darbhanga

1. PURSHOTAM YADAV S/o Rambriksha Yadav R/o Village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga
2. Amol Yadav S/o Tapeswar Yadav R/o village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga
3. Gurudev Yadav S/o Musafir Yadav R/o village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga
4. Kamlesh Yadav S/o Kishori Yadav R/o village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga
5. Musafir Yadav S/o Suraj Yadav R/o village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga
6. Rakesh Yadav S/o Subh Yadav R/o village- Vishwanathpatti, P.S.- Singhwara, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Mahto @ Soman Mahto Late Mangal Mahto R/o - Ghordor Pokhar, P.S.- Singhwara, Dist.- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Das, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-01-2022 Heard the parties through virtual court proceedings.

On 16.11.2021, informant was made respondent in this case and thereafter, notice was directed to be issued upon the respondent no.2. As per the office notes, notice has been validly served upon the respondent no.2 but today when the case is called out, nobody appears on behalf of the respondent no.2.

This is an appeal under section 14A (2) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocity) Amendment Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 23.08.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC & ST Prevention Act), Darbhanga, in connection with Singhwara P.S. Case No.81 of 2017, registered under sections 147, 148, 149, 341, 323, 504, 506, 385, 354(B), 427 of the Indian Penal Code read with sections 3(i)(x) of the SC/ST Act.

The allegation against the appellants is that they along with 4-5 unknown persons came into the land of Atik Ahmad and abused the informant in the caste name, who was constructing boundary wall in the said land. They tried to press the informant's neck by towel and threatened him to teach a lesson as the informant has deposed against one Sahdeo Yadav and Dharmendra Yadav. It is further alleged that the accused persons assaulted him by fists and slaps and when the family members came to save him, they disrobed the informant's wife and broke the boundary wall.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants



have been falsely implicated in this case due to previous enmity. There is a land dispute between the parties. The brother of appellant no.1 had purchased the land in question in the name of his wife namely Sunita Choudhary on 06.12.2016 but one Atik Ahmad wanted to grab the land in question on the basis of manpower. The said Atik Ahmad was trying to construct boundary wall and when the appellants tried to restrain the local contractor/informant for doing the same, this false case has been lodged against the appellants. The informant himself is a habitual criminal and has 7-8 cases pending against him. Appellant no.1 has submitted one application before S.P. Darbhanga regarding the criminal antecedent of the informant (Annexure-3 to this appeal). No offence under SC/ST Act is made out against the appellants as the basis of this case is a land dispute and the allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is allegation against the appellants of abusing and assaulting the informant.

Considering the facts and circumstances of the case, since



the occurrence has taken place due to an admitted land dispute between the appellants and one Atik Ahmad, the appellants, named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC & ST Act), Darbhanga, in connection with Singhwara P.S. Case No.81 of 2017, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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