

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5687 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- SC/ST District- Araria

1. Hakru Yadav Son of Merai Yadav
2. Kaland Yadav @ Kalanand Yadav Son of Hakru Yadav
3. Vishnudev Yadav @ Bisundev Yadav Son of Hakru Yadav
4. Ram Yadav Son of Merai Yadav
5. Gulshan Yadav @ Gulshan Kumar Son of Ram Yadav
6. Vijay Yadav @ Vijay Kumar Yadav Son of Ram Yadav
7. Ajay Yadav Son of Ram Yadav
8. Lalita Devi Wife of Ram Yadav
9. Savita Devi Wife of Vishnudev Yadav @ Bisundev Yadav
10. Vijay Yadav Son of Fanku Yadav all Resident of Village - Dhangara, Ward No.- 09, P.S.- Bhargama, District - Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-02-2022 Heard learned counsel for the parties through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 27.09.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 137 of 2019 arising out of Araria SC/ST P.S. Case No.



87 of 2019, registered under Sections 341, 323, 354B, 379, 504/34 of the Indian Penal Code and Sections 3(i) (r) of SC/ST Act.

All the accused persons named in the FIR including the appellants came and started abusing the informant with her caste name and trying to grab the land executed in the name of her mother-in-law and also assaulted her with fists and slaps. When the mother of the informant came to rescue, all of them assaulted by means of lathi due to what she sustained her hand fracture injury and tore her clothes due to that she became half naked.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. He submits that occurrence took place on 16.06.2019 but the FIR has been lodged on 20.06.2019 after delay of four days without any explanation. He submits that there is land dispute between the parties regarding there demarcation. He submits that appellant no. 1 purchased two pieces of land adjacent to each other vide sale deed No. 7829 dated 02.11.2007 and sale deed no. 2044 dated 26.02.2014 as annexed at Annexure-2 of the supplementary affidavit. He



further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

As there is admitted land dispute between the parties, therefore, notice is not required to the informant.

Considering the facts and circumstances of the case , the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees 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, Araria in connection with Special (SC/ST) Case No. 137 of 2019 arising out of Araria SC/ST P.S. Case No. 87 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

