

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5810 of 2019

Arising Out of PS. Case No.-531 Year-2019 Thana- BARACHATTI District- Gaya

1. SANJAY YADAV S/o Chet Narayan Yadav R/o village- Gurua, Tola Siho, P.S.- Mohanpur, District- Gaya
2. Cheta Yadav @ Chetnarayan Mahto S/o Late Raman Mahto R/o village- Gurua, Tola Siho, P.S.- Mohanpur, District- Gaya
3. Kamla Devi W/o Sanjay Yadav R/o village- Gurua, Tola Siho, P.S.- Mohanpur, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual mode.

At the very outset, learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail as against appellant no.1.

Permission is granted.

The prayer for anticipatory bail made through the instant appeal, as against the appellant no.1 is dismissed as infructuous.

Now, the present appeal is being heard on the prayer of grant of anticipatory bail to the appellant nos.2 and 3.

This is an appeal under section 14A (2) of the SC/ST Act,



against the refusal of prayer for anticipatory bail vide order dated 05.12.2019, passed by learned Special Judge, SC/ST Act, Gaya, in connection with Barachatti P.S. Case No.531 of 2019, registered under sections 341/323/504/379/506/34 of the IPC and sections 3(i)(r)(s) of the SC and ST Act.

The allegation in the FIR is that due to some dispute over the land, the appellants have abused and assaulted the informant's side and threatened of dire consequences, in case, they lodge any complaint.

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 the case due to local party politics and the admitted land dispute. There is general and omnibus allegation against the appellants and no specific overt act is attributed to any of the appellants. There is an inordinate delay of 24 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is submitted that no case under the SC/ST Act is made out against the appellants as the appellants are not aware of the caste of the informant and the FIR has been lodged after delay of 24 days. Appellants have no



criminal antecedent, which is also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Since, the FIR has been lodged after a delay of 24 days of the occurrence, no SC/ST Act is applicable against the appellants, hence, there is no requirement of issuing notice to the informant.

Considering the facts and circumstances of the case, the appellant nos.2 and 3 named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is 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 Special Judge, SC/ST Act, Gaya, in connection with Barachatti P.S. Case No.531 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, in the manner mentioned above and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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