

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.327 of 2022

Arising Out of PS. Case No.-140 Year-2019 Thana- SC/ST District- Araria

-
1. RAJESH YADAV SON OF JAGDISH YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.
 2. JAGDISH YADAV SON OF LATE MUNESHWAR YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.
 3. SONU YADAV SON OF MAHENDRA YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.
 4. RUPESH YADAV SON OF MAHENDRA YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.
 5. MAHENDRA YADAV @ MADHENDRA YADAV SON OF LATE MUNESHWAR YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.
 6. SURESH YADAV SON OF HAZARI YADAV RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.

... .. APPELLANT/S

VERSUS

1. THE STATE OF BIHAR
2. MOHAN LAL RAJAK SON OF LATE CHHUTAHRU RAJAK RESIDENT OF VILLAGE - SIRSIA KALA WARD NO. 06, POLICE STATION - BHARGAMA, DISTRICT - ARARIA.

... .. RESPONDENT/S

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-07-2023 1. Despite of notice issued, nobody appeared on
behalf of reposondent No 2.



2. Heard learned counsel for the appellants and the State.

3. This interlocutory application has been filed for condoning the delay in preferring the present appeal.

4. For the reasons mentioned in this interlocutory application, I am satisfied that these appellants were prevented from sufficient cause in preferring this appeal within time.

5. Accordingly, this interlocutory application is allowed and the delay in filing this appeal is hereby condoned.

6. The present appeal is directed against the order dated 29.04.2021, passed in a case registered for the offence punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code read with Sections 3 (i) (r) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

7. As per F.I.R, on 13.010.2019 at about 11:00 a.m. all the accused persons including these appellants armed with deadly weapons came and started destroying the “Tatti” of the informant Mohan Lal Rajak and on protest by him they assaulted him with fists and slaps and when the son of the informant came to rescue him they also assaulted him. It is further alleged that the accused persons abused him by caste name and took Rs. 15,000/- from his shop and snatched golden



chain from the possession of the informant.

8. It is submitted that these appellants have falsely been implicated in this case due to land dispute. The land as described in the F.I.R belongs to the appellants and the informant has no concerned with the said land and there is only dispute between the parties with respect to the boundary. Incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

9. Learned counsel for the state opposed the prayer for bail.

10. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 29.04.2021 is set aside.

11. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten 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. 227 of 2019 arising out of Araria (SC/ST) Police Station
Case No. 140 of 2019, subject to the condition as laid down
under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Kaushik/-

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

