

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.579 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- KHUSRUPUR District- Patna

1. Ashok Yadav Son Of Sohanwan Yadav R/O Vill.- Katauna, P.S.- Katauna, Distt.- Patna
2. Sohanwan Yadav Son Of Late Chamaru Singh R/O Vill.- Katauna, P.S.- Katauna, Distt.- Patna
3. Vinda Paswan @ Virendra Yadav Son Of Sohanwan Yadav R/O Vill.- Katauna, P.S.- Katauna, Distt.- Patna
4. Ravindra @ Ravindra Kumar Yadav Son Of Sohanwan Singh @ Sohanwan Yadav R/O Vill.- Katauna, P.S.- Katauna, Distt.- Patna
5. Sanjay Yadav Son Of Sohanwan Yadav R/O Vill.- Katauna, P.S.- Katauna, Distt.- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Babu
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Raja Ram Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 03.09.2022 passed by learned Addl. Sessions Judge Special Court SC/ST, Patna in connection with Khushrupur P.S. Case No. 343/2022, registered under Sections



341, 323, 354, 379 and 504/34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants. There is no specific overt act against any of these appellants. There is admitted land dispute between the parties he enclose the report of the Circle Officer, Khushrupur (Annexure-4 of the Memo of the Appeal). Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposes the prayer for bail application and submits that the appellant no.2 has suppressed the fact that he has criminal antecedent which is not mentioned in para-3 of the Memo of the Appeal.

In the facts and circumstances of the case, let 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 bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties



of the like amount each to the satisfaction of learned Addl. Sessions Judge Special Court SC/ST, Patna in connection with Khushrupur P.S. Case No. 343/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

However, the learned Court below is directed to verify the criminal antecedent of the appellant no.2. If any criminal antecedent is filed against the appellant no.2, the bail bond of the appellant no.2 shall not be accepted by the learned Court below.

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

(Anjani Kumar Sharan, J)

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