

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.895 of 2023

Arising Out of PS. Case No.-516 Year-2022 Thana- NARPATGANJ District- Araria

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1. JAYNARAYAN YADAV Son of Sri Anantchand Yadav R/o Ward No. 12, Mirdaul, P.S.- Narpatganj, District- Araria, Pin Code- 854335, Bihar
 2. RAHUL KUMAR YADAV Son of Sri Jaynarayan Yadav R/o Ward No. 12, Mirdaul, P.S.- Narpatganj, District- Araria, Pin Code- 854335, Bihar
 3. TEJ NARAYAN YADAV Son of Sri Anantchand Yadav R/o Ward No. 12, Mirdaul, P.S.- Narpatganj, District- Araria, Pin Code- 854335, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJU DEVI Wife of Shyam Sunder Ram R/o Mirdaul, Ward No. 13, P.S.- Narpatganj, District- Araria, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhumay Madhup, Advocate Mr. Nishikant, Advocate Mr. Anand Kumar Tiwary, Advocate Mr. Ranjit Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 19.11.2022 in A.B.P. No. 3244 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Narpatganj P.S. Case No. 516 of 2022 registered for the offences punishable



under Sections 147, 148, 149, 341, 323, 325, 307 and 435 of the Indian Penal Code as well as Sections 3(1)(r) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 16.11.2022, the named accused persons along with 25-30 unknown accused came and started tilling her land and when the same was objected, it is alleged that Tej Narayan fired, thereafter unknown accused hit her elder brother-in-law by bow and arrow, further Mangal Ram was assaulted by Tej Narayan by *lathi* causing fracture of hand and further Jay Narayan tried to strangulate Mangal Ram, it is next alleged that Rahul assaulted the informant on her legs.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated by the informant on account of dispute relating to land, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the occurrence was not witnessed by any villagers as the FIR does not even remotely suggest that the occurrence was witnessed by any person, it is further submitted that though allegation is of assault but then against Jai Narayan and Rahul, the allegations are ornamental in nature, it is also submitted that no injury was suffered by any of the injured.



5. Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that no injury was caused to anyone.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 19.11.2022 in A.B.P. No. 3244 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Narpatganj P.S. Case No. 516 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Narpatganj P.S. Case No. 516 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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