

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.951 of 2023

Arising Out of PS. Case No.-1248 Year-2022 Thana- BIHTA District- Patna

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1. Alakh Yadav @ Alakh Singh S/o Late Sarvanand Rai R/o Village- Pandey Chak, P.S.- Bihta, Distt- Patna.
 2. Bhim Yadav S/o Alakh Yadav R/o Village- Pandey Chak, P.S.- Bihta, Distt- Patna.
 3. Jitendra Yadav S/o Alakh Yadav R/o Village- Pandey Chak, P.S.- Bihta, Distt- Patna.
 4. Ashutosh Kumar @ Gulu yadav son of Avinash Yadav R/o Village- Pandey Chak, P.S.- Bihta, Distt- Patna.
 5. Suraj Yadav son of Jitendra Yadav R/o Village- Pandey Chak, P.S.- Bihta, Distt- Patna.

... .. Appellants

Versus

1. The State of Bihar
 2. Neera Devi W/o Mahesh Nat, R/o Village- Pandeychak, P.S.- Bihta, Distt- Patna
- Respondents

Appearance :

For the Appellant/s	:	Mr.Madhav Raj, Advocate, Addl Public Prosecutor
For the State	:	Mr.Sadanand Paswan, Spl. Public Prosecutor
for respondent no.2		N O N E

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-09-2023 Heard learned counsel for the appellants and the State.

Nobody appears for respondent no.2 inspite of valid service of notice.

2. This appeal has been filed for setting aside order dated 16.1.2023, passed in a case registered for the offence punishable under sections and other ancillary sections 341, 323, 354B,504,506,379/34 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of



these appellants has been rejected.

3. As per the prosecution case, appellants forcibly entered into the house of respondent no.2 and abused, assaulted and tore her clothes. On protest by her sons and daughter, they were also assaulted and misbehaved. It is further alleged that these appellants snatched mangalsutra of respondent no.2.

4. Learned counsel appearing for the appellants submits that the parties are on litigating terms due to land dispute. Case and counter case. Allegation of hurling abuse by caste name is against those persons who also claim possession over the same land, and if such person happens to be member of Scheduled caste, then in that case, no offence under sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants claims clean antecedent.

5. Counsel for the State oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let all the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 Special Judge, Excise,,
Patna in Bihta Police Station Case No. 1248 of 2022.

(Prabhat Kumar Singh, J)

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