

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1243 of 2022

Arising Out of PS. Case No.-279 Year-2014 Thana- CHHATAPUR District- Supaul

KRITYANAND YADAV S/o- Late Mohan Yadav Resident of Village -
Katahara Tola Machaha, P.S. Chhatapur, District - Supaul.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Srimati Shanti Devi W/o- Kapildev Sardar Resident of Village - Katahara
Tola Machaha, P.S. Chhatapur, District - Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisuzzoha, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor has informed the Court
that in compliance of the order dated 15.02.2023, he informed
the respondent no.2 but nobody appears on the behalf of 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
23.02.2022 passed by learned A.D.J.-I, Supaul in connection
with Chhatapur P.S. Case No. 279 of 2014 registered under



Sections 147, 341, 323, 354, 504 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the complainant had purchased the alleged plot from Misrilal Yadav and others through registered sale deed and for that reason appellants abused and assaulted the complainant.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that there is land dispute between the parties. Similarly situated co-accused persons have been granted bail by the Co-ordinate Bench of this Court in Criminal Appeal (SJ) No. 4987 of 2019 and Criminal Appeal (SJ) No. 2029 of 2021 vide order dated 14.02.2020 and 15.07.2021, respectively. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, as the



similarly situated co-accused persons have been granted bail, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Supaul in connection with Chhatapur P.S. Case No. 279 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

divyanshi/-

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

