

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1760 of 2023**

Arising Out of PS. Case No.-29 Year-2015 Thana- DHANAHA District- West Champaran

1. GRIRJA YADAV @ GIRJA YADAV @ GIRJANAND YADAV S/O PARAS YADAV Resident of village- Devipur Yogi, P.S.- Dhanaha, District- West Champaran.
2. JAILAL YADAV S/O PARAS YADAV Resident of village- Devipur Yogi, P.S.- Dhanaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. GUDDU RAM S/O BHABHUTI RAM Resident of village- Devipur Yogi, P.S.- Dhanaha, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar
For the Respondent/s : Mr. Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 06-12-2023

Re.: I.A. No.1 of 2023

Appellants have filed the aforesaid interlocutory application for condoning the delay of 79 days in preferring this appeal.

2. Heard learned counsel for the appellants and learned Special PP for the State on the aforesaid I.A.

3. Finding the ground taken by the appellant in the aforesaid I.A. for condonation of delay made in preferring this appeal is sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is accordingly allowed.

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4. Heard learned counsel for the appellants and learned Special



Public Prosecutor for the State.

5. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 26.07.2023, he has informed the informant but none is present on his behalf.

6. 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 14.10.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Dhanaha P.S. Case No. 29 of 2015 registered under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. While the informant was regressing to his home from the market, the appellant no.1 intercepted him and dashed his bicycle, the informant fell down and sustained injury. It is also alleged that due to land dispute the appellant no.1 and other accused abused the informant and his father.

8. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting

is not specific rather general and



omnibus in nature. It is further submitted that although allegedly informant has sustained but the injury is simple in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

10. 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Dhanaha P.S. Case No.29 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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