

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1862 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- PARAIYA District- Gaya

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1. Mudrika Yadav @ Munarik Yadav Son Of Late Tulsi Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 2. Parmanand Kumar @ Parmanand Yadav Son Of Mundrika Yadav @ Munarik Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 3. Ramchandra Singh Yadav @ Ramchandra Yadav Son Of Late Tulsi Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 4. Kameshwar Singh Yadav @ Kameshwar Yadav Son Of Late Munshi Singh Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 5. Dayanand Kumar @ Dayanand Yadav Son Of Bisheweshwar Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 6. Sidheshwar Yadav @ Sidhi Yadav Son Of Late Tulsi Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 7. Rajesh Kumar @ Rajesh Yadav Son Of Sidheshwar Yadav @ Sidhi Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 8. Saurabh Kumar @ Mahesh Yadav Son Of Sidheswar Yadav @ Sidhi Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 9. Pankaj Kumar @ Pankaj Yadav Son Of Kameshwar Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 10. Vikash Kumar @ Vikash Yadav Son Of Mundrika Yadav @ Munarik Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)
 11. Pramod Kumar Tarun @ Pramod Yadav Son Of Kameshwar Singh Yadav @ Kameshwar Yadav Resident Of Village - Girdhara, P.O. - Kapasiya Pahra, P.S. - Paraiya, Distt. - Gaya (Bihar)

... .. Appellants

Versus

1. The State of Bihar
2. Lalita Devi Wife Of Mantun Das Resident Of Village - Dwarikapur, Girdhara, Panchayat - Pahra, P.S - Pariya, Distt. - Gaya

... Respondents



Appearance :

For the Appellant/s : Mr.Kedar Yadav, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. Public Prosecutor
for respondent no.2 Mr. Ajay Kr.Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 17.3.2023, passed in a case registered for the offence punishable under sections 341, 504, 506, 436/34 of the IPC and sections 3(i)(r)(s)(w)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons including these appellants assaulted the prosecution party and burnt the house of the informant.

4. Learned counsel appearing for the appellants submits that the parties are on litigation over possession of land. The allegation of having abused the informant is against a person who claims title over the property. If such a person happens to be of SC category, offence under section 3(1)(b) of the SC/ST Act is not made out against the accused persons.



Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2
oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is
allowed and the impugned order is set aside. Let the appellants,
named above, in the event of their 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 Exclusive Special Judge,
SC/ST, Gaya in Paraiya Police Station Case No. 57 of 2023.

(Prabhat Kumar Singh, J)

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