

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3802 of 2021

Arising Out of PS. Case No.-135 Year-2012 Thana- BAHADURPUR District- Darbhanga

1. JAYVEER YADAV Son of Rajkaran Yadav Resident of Village- Gaighatti Mahpara, P.S.- Bahadurpur Pator (O.P.), District- Darbhanga.
2. Subodh Yadav Son of Rajkaran Yadav Resident of Village- Gaighatti Mahpara, P.S.- Bahadurpur Pator (O.P.), District- Darbhanga.
3. Rabindra Yadav Son of Jayveer Yadav Resident of Village- Gaighatti Mahpara, P.S.- Bahadurpur Pator (O.P.), District- Darbhanga.
4. Gopal Yadav Son of Jayveer Yadav Resident of Village- Gaighatti Mahpara, P.S.- Bahadurpur Pator (O.P.), District- Darbhanga.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Domni Devi Wife of Upendra Sada R/o vill- Gaighat Mahpara P.S.- Bahadurpur, pator Dist- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Baidya Nath Prasad
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Notice is validly served to the informant/respondent
no.2 and informant/respondent no.2 appeared through
vakalatnama. But nobody appeared on his behalf.

This is an appeal filed 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 09.07.2021 passed by learned A.D.J. 1st cum Special Judge (POA Act), Darbhanga in connection with Bahadurpur P.S. Case No. 135/2012, registered under Sections 341, 323, 307, 504, 379 and 147 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties which is clear from the FIR itself. The altercation as alleged was not taken place at public view and the allegation as made in F.I.R. has been found false. There is land dispute between the parties. He relied upon the judgment of Hon'ble Apex Court in the case of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants are also involved in this case. Hence, they do not deserve anticipatory bail.

Considering the judgment of Hon'ble Apex Court, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st cum Special Judge (POA Act), Darbhanga in connection with Bahadurpur P.S. Case No. 135/2012, 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)

ajay/-

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

