

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3225 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

1. BISHUN YADAV SON OF DEVRAJ YADAV R/O VILLAGE- BARA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
2. SAMUNDAR YADAV SON OF DEVRAJ YADAV R/O VILLAGE- BARA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
3. ASHOK YADAV SON OF DEVRAJ YADAV R/O VILLAGE- BARA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
4. BHOLA KUMAR @ BHOLA KUMAR YADAV @ BHOLA YADAV SON OF LALU YADAV R/O VILLAGE- BARA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA

... .. Appellants.

Versus

1. The State of Bihar.
 2. Vimla Devi, wife of Lalan Chaudhary, resident of village Bera, P.S. Magadh University, District Gaya. Respondents.
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Appearance :

For the Appellants	:	Mr. Syed Asgher Najmi
For the State	:	Mr. Binay Krishna
For the Respondent No.2	:	Mr. Anil Saxena

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 20.08.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Magadh University P.S. Case No. 164/2022 registered under Sections 147, 148, 149, 448, 341, 323, 354, 504 & 506 of the Indian Penal Code and Section 3(1)



(r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Appellants are said to have entered into the house of the informant. They have abused and assaulted her and her family members.

4. It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. It is further submitted that as a matter of fact, appellant no.1 has filed a Title Suit on 25.11.2021 before the learned Munsif-II, Gaya to restrain the husband of respondent no.2 from making construction over the suit land, which is a common rasta of the village. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellant no.1 has one criminal antecedent and other appellants have no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties, 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 released 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Magadh University P.S. Case No.164/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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