

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3909 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- SC/ST District- Madhubani

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1. Kiran Devi W/O Late Saroj Yadav @ Dwivedisharan Yadav Resident Of Village- Behta, P.S.- Benipatti, District- Madhubani.
 2. Dharmraj Kumar @ Dharmraj Yadav S/O Late Saroj Yadav @ Dwivedisharan Yadav Resident Of Village- Behta, P.S.- Benipatti, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Ram S/O Late Dhaneshwar Ram Resident Of Village- Jamuari P.S.- Arer, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.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.

Learned counsel for the State submits that he has informed the informant through SP concerned but nobody appears on 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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 11.10.2022, passed by learned Additional Sessions Judge 1st cum-Special Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 42 of 2021, registered under Sections 420, 406, 341, 323, 504,



506/34 of the IPC and Sections 3(i) (r) (S)/3(2)(va) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that occurrence took place regarding the sale and purchase of land in the year 2017 and FIR lodged on 04.01.2021 after lapse of about 3 years. He submits that the informant had negotiated for purchase of land with co-accused Saroj Yadav and said co-accused died on 26.12.2021. He submits that there is civil dispute in between the parties. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case and the fact that there is civil dispute in between the parties, 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 Additional Sessions Judge 1st cum-Special Judge, Madhubani in connection with Madhubani SC/ST P.S. Case No. 42 of 2021, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

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