

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4231 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- BODHGAYA District- Gaya

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1. Sanjay Yadav Son Of Sudevan Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya
 2. Dinesh Yadav Son Of Sudevan Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya
 3. Pawan Kumar @ Pawan Yadav Son Of Sanjay Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya
 4. Chandan Yadav @ Chandan Kumar Son Of Sanjay Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya
 5. Akhilesh Yadav Son Of Karu Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya
 6. Ranjeet Kumar Son Of Rajendra Yadav R/V- Moratal, P.S.- Bodh Gaya, District- Gaya

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard the counsel for the appellants, counsel for the respondent no.2 and Spl.P.P. for the State.

Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellants no.2 & 5, as they have already been arrested by the police, during pendency of this appeal.

Permission is granted.

Accordingly, the instant appeal is dismissed as withdrawn as against the appellants no.2 & 5.

Now, this appeal is being heard with regard to the



appellant no.1, 3, 4 & 6 only.

Heard learned counsel for the rest of the appellants and learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 15.03.2023 but nobody appeared 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, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 19.10.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodh-gaya P.S. Case No. 219/2021, registered under Sections 341, 323, 354, 379, 504 and 506 of the Indian Penal Code and Section 3 (i)(r) (s) 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 general and omnibus allegations levelled against the appellants. There is no specific overt act against any of these appellants. There is land dispute going on between the



parties. He relied upon the judgment of the 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 abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellants no.1, 3,4 & 6, 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 Exclusive Special Judge, SC/ST, Gaya in connection with Bodh-gaya P.S. Case No. 219/2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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