

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4167 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- MADHWAPUR District- Madhubani

DAYANAND YADAV S/o Ram Narayan Yadav R/o Village- Bairba Godown Tol,
P.S.- Madhwapur, Distt- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nabbu Paswan S/o Late Chalittar Paswan R/o Village- Bairba Godown Tol,
P.S.- Madhwapur, Distt- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2023 Heard the parties.

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 09.11.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Madhubani, in connection with Madhwapur P.S. Case No. 128/2022 registered under Sections 447, 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in brief, is that appellant along with other co-accused persons came to the informant and started



abusing him. When he had objected, appellant assaulted him by means of iron rod.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. He has been falsely implicated in this case due to land dispute. No such occurrence as alleged ever took place. It is further submitted that the appellant has no concern with the aforesaid occurrence. There is land dispute between the parties. There is case and counter case between the parties. Appellant filed case against Respondent no.2. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that respondent no.2 and his son sustained injuries but as per the injury report, injuries are simple in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent opposed the prayer for bail.

In the facts and circumstances of the case, since the injuries are simple in nature, the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Madhubani in connection with Madhwapur P.S Case No. 128 of 2022, 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)

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