

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4242 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- JHAJHA District- Jamui

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1. PUNA YADAV SON OF LATE JAYRAM YADAV R/O VILLAGE-DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI
 2. PAWAN KUMAR @ PAWAN YADAV SON OF HIRDU YADAV R/O VILLAGE- DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI
 3. MADAN YADAV SON OF LATE JAYRAM YADAV VILLAGE DHAPRI, PS JHAJHA, DISTRICT JAMUI
 4. HIRDU YADAV SON OF LATE JAYRAM YADAV R/O VILLAGE-DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI
 5. SURENDRA YADAV @ SURENDRA PRASAD YADAV SON OF MADAN PRASAD YADAV R/O VILLAGE- DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI
 6. KISHOR KUMAR SON OF PUNA YADAV R/O VILLAGE- DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI
 7. SANTOSH KUMAR @ SANTOSH YADAV SON OF MADAN YADAV R/O VILLAGE- DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI

... .. Appellant/s

Versus

1. The State of Bihar
2. MITHUN PASWAN SON OF RAMDEO PASWAN R/O VILLAGE-DHAPRI, P.S.- JHAJHA, DISTRICT- JAMUI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Prabhat Ranjan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Heard the parties.

This is an appeal under Section 14(A)(1) 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 05.11.2022



passed by learned A.D.J.-1st, Jamui in connection with Jhajha P.S. Case No. 289 of 2022 registered under Sections 147, 148, 149, 341, 324, 325, 379, 354, 307, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) (w), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on 11.07.2022 at about 02.00 P.M. the Panchayat was organised for the settlement of the land dispute between the informant and the accused persons. During the course of Panchayat, accused persons abused the informant side by taking their caste name. They also assaulted the informant side due to which they sustained injuries.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. There is admitted land dispute between the parties. Some injuries sustained by the victims are simple in nature whereas some are grievous. Learned counsel for the appellants relies 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 Supreme Court Cases 710. Appellants have 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 the informant opposed the prayer for bail.

Considering the facts and circumstances of the case as well as the judgment of the Hon'ble Apex Court, as 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 A.D.J.-1st, Jamui in connection with Jhajha P.S. Case No. 289 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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