

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.104 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- SC/ST District- Madhubani

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1. Sri Ram Yadav @ Jayshankar Prasad Son Of Late Jageshwar Yadav @ Late Jageshwar Prasad Yadav Resident Of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani
 2. Udit Narayan Yadav @ Udit Kumar Son Of Ramcharitra Yadav @ Ram Charitra Singh @ Ram Charitra Yadav Resident Of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani
 3. Binod Bharti @ Binod Kumar Bharti Son Of Late Laxami Narayan Yadav Resident Of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani
 4. Anil Kumar Yadav @ Anil Kumar Son Of Ram Kumar Yadav Resident Of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani
 5. Sanjit Kumar @ Sanjit Yadav Son Of Ramcharitra Yadav @ Ram Charitra Yadav Resident Of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani

... .. Appellants

Versus

1. The State of Bihar
2. Bharat Paswan Son of Kusheshwar Paswan @ Ramautar Paswn Resident of Village- Chhorahi, P.S.- Babubarhi, District- Madhubani

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar Jha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. Public Prosecutor
for respondent no.2		Mr. JK Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 19-07-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 1.12.2022, passed in a case registered for the offence punishable under sections 379/354B/34 and other ancillary sections of the IPC and sections 3(i)(r)(s)/3(2)(wi)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of



the appellants has been rejected.

3. As per the prosecution case, while the appellant no.1 was constructing building on the land of respondent no.2, he objected. Thereafter, marpit took place between the parties in which it is alleged that these appellants abused respondent no.2 by caste name and they also assaulted him and his family members.

4. Learned counsel appearing for the appellants submits that admittedly there is land dispute between the parties. Case and counter case. Doctor has found simple injuries. Insult caused to informant is not based on caste, as such, no case under the SC/ST Act is made out against the appellants. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let all the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions



Judge I cum Special Judge, Madhubani in Madhubani SC/ST
Police Station Case No. 11 of 2022/ GR No.44 of 2022.

(Prabhat Kumar Singh, J)

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