

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.214 of 2023

Arising Out of PS. Case No.-29 Year-2021 Thana- BHANGHA District- West Champaran

YOGENDRA YADAV S/O LATE GANGA YADAV Resident of village-
Kamlangar (Chauhatta), P.S.- Manpur, District- West Champaran,

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHOK SUBBA S/O DHARAMDEO SUBBA Resident of village-
Rampur, P.S.- Bhangha, District- West Champarn.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amresh Kumar Sinha Mr. Saroj Kumar Choudhary
For the Respondent/s	:	Mr.Binay Krishna Mr. Bimlesh Kumar Pandey Mr. Amit Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-05-2023 Heard learned counsel for the appellant as well as
the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 21.11.2022, in connection with Bhangaha P.S. Case No. 29 of 2021, registered for offence punishable under sections 147, 149, 341, 323, 384, 504 and 506 of the Indian Penal Code and sections 3 (1) (r), 3(2) (va) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.



As per allegation, the accused persons came to the land pertaining to *Khata* No. 61, area 5 *katha* belonging to the informant. They started dismantling mango plants and also started ploughing on that land. On protest, the appellant abused him by calling his caste name and on his order, co-accused Mukesh Yadav wrapped *Gamcha* around his neck and co-accused Baliram Sah abused him by calling his caste name and also assaulted him with *Dabiya*. The accused persons also demanding Rs. 8 lacs as ransom from the informant.

The learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. There is land dispute between the parties. The appellant's side are the vendee of the land through sale deed executed by agnates of the informant for that land. There is also land dispute between the informant and his agnates. He has submitted further that the most of the cases mentioned in paragraph no. 3 of the bail petition have been filed either by the informant's side or by their relatives. The petitioner is under custody since 11.10.2022.

The learned counsel for the informant has opposed the prayer for bail and submitted that the appellant is order giver and on his order, the co-accused persons attempted to kill



the informant by wrapping *gamcha* around his neck. He has submitted further that the petitioner is a person of criminal nature and number of cases are pending against him.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 21.11.2022 is set aside. Accordingly, the appellant, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Ist-cum-Special Judge, (SC/ST), Bettiah West Champaran in connection with Bhangaha P.S. Case No. 29 of 2021.

Further condition is that if the appellant is involved in any other case except those which have been mentioned in paragraph no. 3 of the bail petition or in paragraph no. 2 of the supplementary affidavit, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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