

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1856 of 2024**

Arising Out of PS. Case No.-54 Year-2023 Thana- SC/ST District- Gaya

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1. Jagannath Yadav @ Jagarnath Yadav @ Jagranath Yadav S/O Late Baldeo Yadav
 2. Rambali Yadav S/O Baldev Yadav
 3. Yogendra Yadav S/O Baldev Yadav
 4. Ishwar Yadav @ Gora Yadav S/O Baldev Yadav
 5. Ravindra Kumar @ Dilo Yadav S/O Jagarnath Yadav
 6. Chotu Yadav @ Chotu Kumar @ Chhotu Kumar S/O Yogendra Yadav
 7. Vikram Yadav @ Vikaram Kumar @ Vikram Kumar S/O Yogendra Yadav
- All Are R/O Village- Patiauna, P.O- Binda, P.S- Barachatti, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Gulabchand Das S/O Late Yamuna Ravidas R/O Village- Patiauna, P.S- Barachatti, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P. Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 14.03.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No.54 of 2023, instituted for the offences under Sections 341, 323, 448, 452, 504, 506/34 of the IPC and Section 3(i)(r)(s)(w)/3(2)(v-a) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.



3. The learned counsel for the appellants submits that appellant no.1,2,3 and 4 have antecedent of one case and appellant no.5,7 and 7 are persons with clean antecedent and have been falsely implicated in the instant case by the informant with an allegation that the appellants forcibly planted paddy on the land of the informant and when the same was protested an altercation took place and thereafter, it is alleged that all the accused persons came to the house of the informant and threatened to kill him and even abused him by taking caste name, further a panchayati was also held with respect to the disputed land, but then the appellants are not willing to leave their possession.

4. The learned counsel appearing on behalf of the appellants submit that the appellants have been falsely implicated in the instant case. It is further submitted that informant alleges that the land in dispute was given to him by 'Parwana', but then the said land belongs to the appellants and the appellants had planted paddy on their own land, which was being objected by the informant.

5. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence is not alleged to have taken place in public view nor it is the case



of the appellants that he received any injury.

6. The learned Special P.P. and the learned counsel appearing on behalf of the respondent no.2 opposes the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the alleged occurrence did not take place in public view.

7. Regard being had to the aforesaid submissions, the order dated 14.03.2024 is set aside.

8. The appeal stands allowed.

9. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No.54 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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