

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2013 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Araria

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1. Pramod Yadav @ Pramod Kumar Yadav Son of Balgovind Yadav Resident of Village- Kanhaili Ward No. 01, Police Station- Narpatganj, Dist.- Araria
 2. Chandan Yadav Son of Waris Lal Yadav Resident of Village- Kanhaili Ward No. 01, Police Station- Narpatganj, Dist.- Araria
 3. Kumar Yadav Son of Waris Lal Yadav Resident of Village- Kanhaili Ward No. 01, Police Station- Narpatganj, Dist.- Araria
 4. Jageshwar Yadav Son of Waris Lal Yadav Resident of Village- Kanhaili Ward No. 01, Police Station- Narpatganj, Dist.- Araria
 5. Diwakar Yadav Son of Pramod Yadav Resident of Village- Kanhaili Ward No. 01, Police Station- Narpatganj, Dist.- Araria

... .. Appellants.

Versus

1. The State of Bihar
2. Chaniya Devi Wife of Kishan Paswan Resident of Village- Khabdah Ward No. 11, Police Station- Narpatganj, Dist.- Araria

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s	:	Mrs. Usha Kumari-1, Special P.P.
For the Respondent No.2:	:	Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

2. 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 01.04.2024 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Araria



SC/ST P.S. Case No. 01 of 2024 registered under Sections 147, 149, 341, 323, 504, 506, 354B & 379 of the Indian Penal Code and Section 3(1) (r) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. All the F.I.R. named accused persons including these appellants variously armed are said to have reached at the land of the informant and started to plough. When the informant forbade to do so, they assaulted him and when her wife rushed in his rescue they also assaulted her by catching hold her hair. They snatched the gold ornaments. They also slated the informant by taking his caste name.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Learned counsel for the appellants placed reliance on the judgment passed in the case of **Hitesh Verma Vs. State of**



Uttarakhand and another reported in **(2020) 10 Supreme Court Cases 710**. Except appellant no.2, who has one criminal antecedent, other appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, let 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 enlarged 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Araria SC/ST P.S. Case No.01 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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