

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2335 of 2024

Arising Out of PS. Case No.-403 Year-2015 Thana- SHEKHPURA District- Sheikhpura

1. Nawal Yadav Son Of Late Amit Yadav Village- Matokhar Ps- Sheikhpura, Dist- Sheikhpura
2. Shivdani Yadav Son Of Nawal Yadav Village- Matokhar Ps- Sheikhpura, Dist- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Lacho Devi Wife Of Ram Janam Chaudhary Village- Madokhar Ps- Sheikhpura, Dist- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 14-08-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 20.04.2024 in connection with Shekhpura P.S. Case No. 403 of 2015 registered for offence punishable under Sections 341, 323, 354, 354B, 379, 504, 506/34 of the Indian Penal Code and section 3 (i)(r)(s)(w)(ii) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.



3. As per allegation, the government had allotted 2 ½ decimal land in favour of husband of the informant on which the informant wanted to construct a house. The accused persons including the appellant were obstructing her and abusing having taken her caste name and they also threatened to kill her. It is further alleged that the accused persons assaulting the informant's husband and outrage the modesty to the informant. Accordingly, the FIR.

4. Learned counsel for the appellants submits that they are innocent and have been falsely implicated in the present case. The informant and the appellants are co-villagers who had a dispute over land, resulting in the present case. Appellants have got no criminal antecedents and they are in custody since 29.03.2024.

5. On the other hand, the learned Special P.P. has opposed the prayer for bail.

6. Considering the above mentioned facts and circumstances of the case, the appellants have clean antecedent, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.04.2024 arising out of Shekhpura P.S. Case No. 403 of 2015 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Shekhpura P.S. Case No. 403 of 2015 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sheikhpora, subject to the condition that the appellants shall co-operate in the disposal of trial and make themselves available as and when required by the Court.

8. At the time of furnish of the bail bonds, the appellants shall file their undertaking that in future, they shall not disturb the possession of the complainant over that land, except the due process of law.

(Nawneet Kumar Pandey, J)

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