

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2675 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- SC/ST District- Gaya

Shailesh Yadav @ Shailendra Kumar Yadav, S/o Dwarika Yadav R/o vill -
Rampur, P.S. - Bodhgaya, Distt. - Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Manjhi, S/o Ramswaroop Manjhi R/o vill - Rampur, P.S. -
Bodhgaya, Distt. - Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Ms.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-08-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
09.05.2024 passed by the learned Exclusive Special Judge,
SC/ST, Gaya in connection with A.B.P. No.146 of 2024 arising
out of SC/ST P. S. Case No.74 of 2023, instituted for the
offences under Sections 341, 323, 420, 389, 504, 506 and 34 of
the Indian Penal Code and Section 3(i)(d)(f)(u)(g) of the
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)
Act, whereby his prayer for grant of anticipatory bail has been
rejected.

3. The learned counsel for the appellant submits that



appellant has antecedent of two cases and informant alleges that his father got *Parwana* land from the government measuring 1.5 acres, pertaining to Khata No.2/85, Plot No.213/ 427, 207/ 414. Further, the land receipt is being issued in name of his father. It is next alleges that appellant is a powerful person, who indulges in various illegal activity and on 03.04.2021, the accused persons including the appellant forcefully took his signature on blank paper and threatened that now, the land belongs to the accused persons including him and if he will complain, he will be killed and also abused by taking caste name.

4. The learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case. It is also submitted that allegation as alleged in the F.I.R. does not inspire confidence and the allegation does not even remotely suggest that the occurrence was witnessed by any independent witnesses, as such, prima facie no offence under the SC/ST (P.O.A.) Act is made out. It is next submitted that a supplementary affidavit has been filed and from perusal of Annexure- P/2, it would manifest that the land in question was purchased by the appellant from Ram Swaroop Manjhi, who is father of the instant informant. It is thus submitted that on account of dispute relating to land, the present false case has



been instituted.

5. The learned Special P. P. opposes the bail application.

6. Regard being had to the aforesaid submissions, the order dated 09.05.2024 is set-aside.

7. The appeal stands allowed.

8. Considering the submission and the fact that on account of dispute relating to land, the present F.I.R. has been instituted and it is the case of the appellant that he had purchased the land from father of the informant, the appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No.146 of 2024 arising out of SC/ST P. S. Case No.74 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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