

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2787 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Gaya

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1. ANIL YADAV S/O AMRIK YADAV @ AMIRAK YADAV R/O VILLAGE-SINDHUGARH, P.S- MOHANPUR, DISTT.- GAYA.
 2. KRISHNA YADAV @ KRISHNA PRASAD S/O KARU YADAV R/O VILLAGE- SINDHUGARH, P.S- MOHANPUR, DISTT.- GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KAMLESH PASWAN S/O VISHUN PASWAN R/O VILLAGE-SINDHUGARH, P.S- MOHANPUR, DISTT.- GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Syed Asgher Najmi
		Mr. Ashutosh Kumar Mishra
For the Respondent-2	:	Mr. Ajay Kumar Sinha
For the State	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-12-2024 1. Heard learned counsel for the appellants, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. An order, dated 17.01.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya, in ABP No. 125 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with SC/ST Police Station Case No. 02 of



2024 registered for the offence punishable under Sections 341/323/354AB/504/506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the brother of the informant sold the vacant land of his share to appellant no. 1 and Shankar Kumar, wherein, the share of the informant and his two brothers were in equal proportion. On Plot No. 731, a house is standing, in which, the informant and his parents are residing. On 22.12.20223, in the night, at about 08:00 PM, the accused persons, including, the appellants, armed with weapons, entered into the house of the informant, abused him by his caste name, assaulted him and asked him to vacate the house on the ground that they have the sale deed in their favour. After enquiry, the informant came to know that by forgery the accused persons have got the sale deed of the house executed in their favour. It has further been alleged that the appellant no. 1 pulled the informant's wife on the floor with bad intention.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case



due to land dispute. He next submits that there is inordinate delay in lodging the First Information Report inasmuch as in the typed copy of the FIR, in which, the occurrence has been filled up in the blank space as 22.12.2023, however, the First Information Report has been lodged after 26 days i.e. on 17.01.2024. He further submits that abuse in the caste name was not made in full public view, but inside the house of the informant.

5. On the other hand, learned counsel for the respondent no. 2 vehemently opposes the prayer for anticipatory bail and submits that in so far as appellant no. 1 is concerned, there is specific allegation against him of abuse by caste name and also allegation of outraging the modesty of the informant's wife and that the appellant no. 1 is having 04 criminal antecedents of various natures of cases.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the land dispute between the parties and the fact that caste name was not taken in full public view, but allegedly inside the house of the informant, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated



01.05.2024, passed by learned Exclusive Special Judge,
SC/ST, Gaya, in ABP No. 125 of 2024, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with SC/ST Police Station Case No. 02 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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