

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4382 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- BIHARIGANJ District- Madhepura

1. LALIT YADAV son of Late Fokay Yadav Village- Tulshiya Ps- Bihariganj Dist- Madhepura
2. Anup Yadav @ Anup Kumar son of Late Fokay Yadav Village- Tulshiya Ps- Bihariganj Dist- Madhepura
3. Rajiv Suri @ Rajiv Purvey Son of Prakash Suri Village- Tulshiya Ps- Bihariganj Dist- Madhepura
4. Bablu Yadav son of Dinesh Yadav Village- Tulshiya Ps- Bihariganj Dist- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 12-07-2024 Heard learned counsel for the appellants, learned
Special P.P. for the State and learned counsel for the Informant.

2. The appellants have preferred the present appeal filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act, 1989 against the order dated 25.08.2023 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge, Madhepura arising out of Bihariganj Police Station Case No. 141 of 2023 instituted for an alleged offences punishable under Section 323, 341, 324, 504, 506, 379 and 325/34 of the Indian Penal Code



and Sections 3(1)(f) of the SC/ST Act (Prevention of Atrocities) Act, 1989 by which the appellants prayer for bail was rejected.

3. As per allegation in the FIR, it is a matter of land dispute and appellants captured the informant's driver who was cultivating land assaulted him along with the informant with lathi, danda and iron rod etc and threatened to live the land otherwise they will be killed.

4. Learned counsel for the appellants have submitted that the appellants have committed no offence and have falsely been implicated in this case. He next submits that the occurrence took place due to land dispute and Sections of SC/ST Act is not attracted in the present facts and circumstances of this case.

5. However, learned Special P.P. for the State and learned counsel for the Informant have opposes the prayer for anticipatory bail and submits that the investigation is going on and if the petitioners be released on anticipatory bail, then the investigation will be affected adversely.

6. On perusal of the FIR, impugned order dated 25.08.2023 and injury report, it appears that the appellants are named in the FIR and specific role assigned under Section 3(1) (f) of the SC/ST (POA) so Section 18 of SC/ST(POA) is



attracted so provision under Section 438 of the Cr.P.C. is not applicable, so considering all the circumstances and provisions as laid down, I am not inclined to grant anticipatory bail to the appellants.

7. Accordingly, the prayer for bail of the appellants is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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