

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5054 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SC/ST District- Gaya

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1. ARVIND YADAV @ ARVIND KUMAR SON OF BHAGIRATH YADAV
RESIDENT OF VILLAGE - RAMNACHAK, P.S. - MOHANPUR,
DISTRICT - GAYA
 2. BIRBAL YADAV SON OF KULESHWAR YADAV RESIDENT OF
VILLAGE - RAMNACHAK, P.S. - MOHANPUR, DISTRICT - GAYA
 3. UMESH YADAV SON OF PARMESHWAR YADAV RESIDENT OF
VILLAGE - RAMNACHAK, P.S. - MOHANPUR, DISTRICT - GAYA
 4. RAMDEO YADAV SON OF NIRU YADAV RESIDENT OF VILLAGE -
RAMNACHAK, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. HARI PASWAN SON OF LATE BHUNESHWAR PASWAN RESIDENT
OF VILLAGE - RAMNACHAK, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar , Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the iNformANt	:	Mr. Prithivi Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.09.2023 , passed in a case registered for the offence punishable under sections 341, 342, 323, 385 , 427 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, in order to grab the land of the informant, all the accused persons including these appellants armed with weapons assaulted the informant.

4. It is submitted on behalf of the appellants that from bare perusal of the F.I.R., it is apparent that there is admitted land dispute between the parties for which Title suit No. 226 of 2023 is going on between the parties. As a matter of fact, informant was forcefully trying to make construction over a land which is in dispute, as a result of which a fight took place between the parties. The alleged occurrence took place on 11.06.2023 but case was lodged on 02.07.2023 after the delay of 20 days for which there is no plausible explanation which itself creates doubt over the entire prosecution case. There is no allegation of abuse by caste name, as such no case under SC/ST is made out. Appellants claim clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of



eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Exclusive Special Judge, SC/St, Gaya, in connection with SC/ST Police Station Case No. 36 of 2023 .

(Prabhat Kumar Singh, J)

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