IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.142 of 2024

Arising Out of PS. Case No.-345 Year-2019 Thana- BARACHATTI District- Gaya

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1. Sahdeo Yadav Son of Jagdish Yadav Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.
2. Shayamdoe Yadav @ Shayamdeo Kumar Son of Jagdish Yadav Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.
3. Umesh Yadav Son of Mohan Yadav Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.
4. Chodahi Yadav @ Chodi Yadav @ Devraj Yadav Son of Mohan Yadav Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.
5. Vicky Yadav @ Vicky Kumar Son of Mohan Yadav Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.

... ... Appellant/s

Versus

1. The State of Bihar
2. Anar Devi Wife of Manoj Bhuiya Resident of Village - Khap, P.S.- Mohanpur, Dist.- Gaya.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Prithivi Raj Singh
For the State : Mr. Sadanand Paswan
For the Respondent No.2 : None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 19-09-2024 Heard learned counsel for the appellants and learned Special PP for the State.

2. Despite valid service of notice, no one appears on behalf of the Respondent No. 2.

3. This appeal has been filed for setting aside order dated 02.12.2023, passed in a case registered for the offence punishable under Sections 341, 323, 354, 504, 506, 34 of the

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Indian Penal Code and Sections 3(1)(v)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2016, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. The prosecution case, in brief, is that on 20.07.2019, the accused persons including these appellants under conspiracy got executed sale deed of informant's father-in-law who is man of unsound mind. When the informant objected, all the accused persons went upon the land of the informant dragged her due to which she became half naked. They also abused her and also assaulted by *lathi*.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. There is delay of 17 days in lodging the case and there is no plausible explanation for such delay. Allegation is general and omnibus against these appellants. There is land dispute between both the parties. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants have no criminal antecedent.

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6. On the other hand, learned Spl.PP. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to these appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 02.12.2023, passed by the Court of Exclusive Special Judge, S.C./S.T. Special Court, Gaya, in connection with Barachatty (Mohanpur) P.S. Case No. 345/2019, is hereby set aside with respect to these appellants only.

8. Accordingly, 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 Court of Exclusive Special Judge, S.C./S.T. Special Court, Gaya, in connection with Barachatty (Mohanpur) P.S. Case No. 345/2019.

(Prabhat Kumar Singh, J)

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