

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4797 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Nawada

-
-
1. Shailendra Kumar Yadav @ Shailendra Yadav @ Shailendra Prasad Yadav Son of Haro Yadav Resident of Village- Baksoti (Baliya) P.S.- Gobindpur, District- Nawada.
 2. Indu Kumari @ Indu Devi Wife of Shailendra Kumar Yadav @ Shailendra Yadav Resident of Village-Baksoti (Baliya) P.S.-Gobindpur, District- Nawada.
 3. Shubham Kumar Son of Shailendra Kumar Yadav @ Shailendra Yadav Resident of Village-Baksoti (Baliya) P.S.-Gobindpur, District-Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dwarika Prasad Late Banshi Paswan R/O-Balia,P.S-Govindpur,District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma, Advocate
For the State : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-11-2025 Heard learned counsel for the appellants; learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal is preferred against the order dated 30.08.2019 passed by the learned Additional Sessions Judge-1st, Nawada, in A.B.P. No. 1249 of 2019 arising out of SC/ST Nawada P.S. Case No. 27 of 2018 registered for the offence under sections 448, 323, 324, 354B, 504, 506 of the I.P.C. and under sections 3(i)(r) of the S.C./S.T. Act, by which the prayer



of the appellants for grant of anticipatory bail has been rejected.

3. As per the F.I.R., the allegation is that the accused persons entered the house of the informant and brutally assaulted the informant and his family members and when the villagers came to save them, the accused appellants fled away. It is further alleged that the accused persons had hurled caste abuses and threatened of dire consequences.

4. Learned counsel for the appellants submits that the appellants have clean antecedent. The informant and the appellants are co-villagers and due to shifting of the cowshed in front of the house of the appellants, the informant had threatened the appellants and lodged this false and fabricated case.

5. The appellants have filed a supplementary affidavit bring on record the ongoing land dispute between the parties upon which the informant has shifted the cow shed and a case vide Misc. Case No. 3/76-77 is pending before the Circle Officer, Govindpur, Nawada.

6. Learned counsel for the informant and learned Special Public Prosecutor for the State have vehemently opposed the prayer for anticipatory bail.

7. I have considered the submissions of the parties.



8. Considering the nature of allegation and also the fact that there is land dispute between the parties, this appeal is allowed. Accordingly, the impugned order dated 30.08.2019 is set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Nawada /concerned Court, in connection with SC/ST (Nawada) P.S. Case No. 27 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

