

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1029 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -SC/ST BAGHA District- WEST
CHAMPARAN (BETTIAH)

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1. Chandrashekhar Sah,
2. Tarkeshwar Sah,
3. Mankeshwar Sah,
- All sons of Late Bishwanath Sah.
4. Anand Kumar,
5. Deepak Kumar.

Both sons of Sri Chandrashekhar Sah.

6. Manish Kumar, son of Tarkeshwar Sah.
7. Devanand Kumar @ Devanand Sah,
8. Golu Kumar.

Both sons of Mankeshwar Sah.

9. Nagendra Sah, son of Late Jagdish Sah.
10. Mukti Sah, son of Late Gokhul Sah.

All residents of Village- Tikachhapar, P.S.- Chanpatia,
District- West Champaran.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 28-11-2016 Heard the parties.

The appellants, above named, are accused in Bettiah Scheduled Castes and Scheduled Tribes P.S. Case No. 26 of 2016, registered for the offence punishable under Sections 447, 341, 323, 504 read with Section 34 of the Indian Penal Code and Section 3 (i), (iv), (v) and (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants are aggrieved by an order, dated 29.10.2016, passed by the learned 1st Additional Sessions Judge, West Champaran at Bettiah, in ABP No. 1525 of 2016, whereby, their application for grant of anticipatory bail has been rejected.

Learned counsel, appearing on behalf of the appellants, has submitted that even if the allegation, as contained in the First Information Report, are treated to be true, no offence is made out against the appellants since there is no allegation that the occurrence of calling the informant by his caste name had taken place within public view. She has also submitted that it is evident from the First Information Report that there is land dispute between the parties, which is being given colour of a criminal case.

I find substance in the submission so made on behalf of the appellants. The order, dated 29.10.2016,

passed by learned 1st Additional Sessions Judge, West Champaran at Bettiah, in ABP No. 1525 of 2016, is set aside.

The appeal is, accordingly, allowed.

Let the appellants, above named, in the event of their arrest or surrender before the court below within six weeks, 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 Chief Judicial Magistrate-Ist, West Champaran, Bettiah**, in connection with **Bettiah Scheduled Castes and Scheduled Tribes P.S. Case No. 26 of 2016**.

This is subject to the condition that the appellants shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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