

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.139 of 2018

Arising Out of PS.Case No. -60 Year- 2016 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

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1. Chhathu Yadav, Son of Late Bhola Yadav	
2. Ram Pravesh Yadav Son of Chhathu Yadav	
3. Ravindra Yadav Son of Chhathu Yadav	
4. Dharmendra Yadav Son of Chhathu Yadav	
5. Kalawati Devi @ Kamlawati Devi, Wife of Chhathu Yadav	
6. Noor Alam Mian @ Noor Alam @ Noor Alam Peeru Son of Firan Mian @ Peeru Mian All resident of Village- Parsauna Tapsi, P.S. Palanwa, District- East Champaran.	 Appellant/s
Versus	
1. The State of Bihar	 Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakil Ahmad Khan, Adv.
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-03-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(2) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Raxaul SC/ST P.S.Case No. 60 of 2016 registered under Sections 341,323,379,504/34 of the Indian Penal Code as well as under Sections 3(1)(a)(R)(S) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that the appellants' side had sold the referred land to the informant. However, a part of the consideration money was still due. The informant was not



ready to pay the due consideration money, for that reason, a simple altercation had taken place. However, just to pressurize, false case has been lodged with concocted and vague allegation that the appellants abused the informant by taking caste name.

The background of the allegation does not reveal that the appellants were intending to humiliate a member of the scheduled caste.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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