

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3466 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -NADI NAINAHA District-
WESTCHAMPARAN (BETTIAH)

- =====
1. Brijesh Yadav @ Sanjay Yadav, Son of Bindhyachal Yadav, Resident of Village Chautarwa, P.S. – Chautarwa, District West Champaran
 2. Lal Mohan Yadav, Son of Ramayan Yadav
 3. Teru Yadav @ Jitendra Yadav, Son Bhajan Yadav
 4. Bhajan Yadav, Son of Mahesh Yadav

All three petitioners are resident of village Rataval, P.S. Chautarwa, District West Champaran

5. Most. Seema Devi @ Most. Seema, Wife of Late Sanjay Yadav
6. Laxuman Yadav, Son of Nathuni Yadav
7. Bhola Yadav, Son of Late Ramayan Yadav

All three petitioners are resident of village Rataval, P.S. Chautarwa, District West Champaran

8. Jagdish Mallah @ Jagdish Chaudhary, Son of Late Dukhi Mallah, Resident of Village Sirauna, P.S. Bhairganj, District West Champaran
9. Akhilesh Yadav, Son of Hari Charan Yadav, Resident of Village Nainaha, P.S. Nadi, District West Champaran

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the



refusal of prayer for regular bail vide order dated 06.08.2018 in B.P. No. 2953 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, West Champaran at Bettiah in connection with Nadi P.S. Case No. 18 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 436, 504, 506 of the Indian Penal Code as well as Section 3(i)(w) of the SC/ST Act.

The informant claims to be *purcha* holder on the land which accused side claims to be their property. For that reason, allegation is that all the FIR named accused persons variously armed committed assault and theft. Appellants have stated on oath that they are not accused in any other case under the SC/ST case. Appellant No. 1 to 4 are in custody since 29.06.2018 and appellant no. 5 to 9 are in custody since 18.07.2018. Investigation against all the appellants has already completed. The allegation is general and omnibus. Land dispute is reason behind the occurrence.

Learned counsel for the informant opposed the prayer for bail on the ground that there is allegation against all the named persons is specific that they committed arson in the hut of the informant.

Considering the background and nature of allegation and completion of investigation, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees



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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.11.2018
Transmission Date	08.11.2018

