

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1525 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BHITAHA District- West Champaran

1. Bolar Yadav @ Satayendra Yadav S/o Yogendra Yadav R/o village- Bairatava, P.S.- Bhitaha, District- West Champaran
2. Yogendra Yadav S/o Lali Yadav R/o village- Bairatava, P.S.- Bhitaha, District- West Champaran
3. Chanchal Yadav S/o Dudhani Yadav R/o village- Bairatava, P.S.- Bhitaha, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithvi Nath Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-06-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 26.02.2019 passed by learned 1st Addl. District & Sessions Judge cum Special Judge, West Champaran at Bettiah in Bhitaha P.S. Case No. 01 of 2019 registered under Sections 341, 323, 447, 504 and 34 of the Indian Penal Code and Section 3(1)(R)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of installation of boring at the door of the informant, appellant Bolar Yadav slated him in the name of his caste and on protest other named accused persons including the appellants Chanchal Yadav and Yogendra Yadav arrived at his door and assaulted him by means of fist.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Earlier to the case under hand, on 05.01.2019 the appellants and other villagers had made complain against informant before the B.D.O. regarding installation of boring at his door and being peeved with the aforesaid complain, the informant has maliciously lodged this false and frivolous case. Appellants have no criminal antecedent.

On the other hand, learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District &



Sessions Judge cum Special Judge, West Champaran at Bettiah
in connection with Bhitaha P.S. Case No. 01 of 2019, subject to
the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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