

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2327 of 2019

Arising Out of PS. Case No.-54 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. AVINASH PRASAD Son of Rajkishori Prasad @ Rajkeshri Prasad Kushwaha Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 2. Om Prakash Prasad Son of Shivnath Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 3. Shivnath Prasad Son of Shivnandan Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 4. Ramesh Prasad Son of Shivnandan Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 5. Anup Prasad Son of Ramesh Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 6. Pannalal Prasad Son of Late Kamal Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 7. Uday Chand Prasad Son of Ramesh Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran
 8. Jai Prakash Prasad Son of Shivnath Prasad @ Rajkishori Prasad Resident of Village - Tadhwanandpur Kanhi Tola, P.S.- Bairiya, District- West Champaran

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 08-08-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 27.03.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with SC/ST Bettiah Sadar P.S. Case No. 54 of 2018 registered under Sections 447, 341, 323, 354, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (w) (i) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Avinash Prasad is having greedy eye on the gair majarua land located in front of the house of the informant and wants to take possession of the same. On the date of occurrence, while the informant along with his wife and daughter were sitting at his door appellant Avinash Prasad came from behind and started taking photograph of his wife and daughter and on the protest made by him he slated him in the name of his caste. In the meantime, seven other named accused persons arrived there on the motorcycle and started slating his wife and daughter and on protest made by the informant they slapped him and when his wife and daughter rushed in his rescue, they also assaulted him and tore her blouse.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place.



Appellants have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, informant himself has encroached the government land for which removal order has been passed in the encroachment case against the informant and peeved with the same the informant along with his associates were creating nuisance on the aforesaid land and when the appellant no.1, who happens to be journalist, went there to cover the news they snatched her camera. Regarding the said occurrence appellant Avinash Prasad lodged Bairiya P.S. Case No.381 of 2018 on 11.10.2018 and to save skin form the said case the informant has lodged this false and frivolous case against the appellants on 15.10.2018. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

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



Sessions Judge cum Special Judge, West Champaran at Bettiah
in connection with SC/ST Bettiah Sadar P.S. Case No. 54 of
2018, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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