

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2843 of 2019

Arising Out of PS. Case No.-430 Year-2018 Thana- BAIRIYA District- West Champaran

1. RAM PRAVESH YADAV Son of Nathuni Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran
2. Devendra Yadav Son of Durga Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran
3. Munna Yadav Son of Uday Narayan Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran
4. Mukesh Yadav Son of Uday Narayan Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran
5. Uday Narayan Yadav Son of Janki Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran
6. Nathuni Yadav Son of Late Sri Yadav Resident of Village- Bargachhia, Ward No. 12, P.S.- Bairiya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amarendra Nath Verma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 14.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran in Bairiya P.S. Case No. 430 of 2018 registered under Sections 341, 323, 379 and 504/34



of the Indian Penal Code and Section 3(1)(x)(a), (r) & (s) of the SC/ST Act.

Nine named accused persons including appellant nos. 1 to 5 and appellant no.6 are said to have slated the informant in the name of his caste over performing worship in the temple. They also assaulted him by means of leg and fist. Co-accused Anil Yadav spat on his person. When his family members and neighbours rushed in his rescue, they also assaulted them and made five of them injured. They also snatched his golden chain.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, prosecution party had assaulted the appellant Nathuni Yadav over property dispute and regarding the said occurrence said appellant has lodged Bairiya P.S. Case No. 429 of 2018 against the informant and others preceding to the case under hand and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants. Witnesses in Para- 34 and 35 of the case diary have also supported the aforesaid case of the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Aforesaid slating is said to have been made at the door of the informant and not in public view, hence no offence under SC/ST Act is made out



against the appellants.

Learned Spl.PP for the State and learned counsel for the informant opposed the bail petition.

Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, West Champaran in connection with Bairiya P.S. Case No. 430 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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