

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2783 of 2019

Arising Out of PS. Case No.-10 Year-2015 Thana- SC/ST BETTIAH District- West
Champaran

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1. SHAMBHU PRASAD Son of Bishun Prasad Resident of Village - Mathura, P.S.- Shikarpur, Dist.- West Champaran.
 2. Bhushan Prasad Son of Shambhu Prasad Resident of village - Mathura, P.S.- Shikarpur, Dist.- West Champaran.
 3. Birju Prasad @ Birju Kumar Son of Shambhu Prasad Resident of village - Mathura, P.S.- Shikarpur, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-08-2019 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 13.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran, Bettiah in Bettiah Town SC/ST P.S. Case No. 10 of 2015 registered under Sections 323, 341, 504, 506/34 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act.

On getting the land of the informant executed fraudulently by the appellants and taking possession of the



aforesaid land, the informant and other persons had made complaint to the DM and being peeved with the same appellants along with another accused surrounded him in the market and slating him in the name of his caste assaulted him by means of slipper and shoe.

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 merely because appellant no.1 has purchased the land from Mahanth of Math as bonafide purchaser and informant wants to purchase the aforesaid land and due to aforesaid reason informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Number of independent witnesses examined by the I.O. during the course of investigation have not supported the occurrence. Appellants have no criminal antecedent.

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

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, Bettiah in connection with Bettiah Town SC/ST P.S. Case No. 10 of 2015, 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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