

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3108 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Lakshamina Devi Wife of Bodha Yadav Resident of Sirisiya Mela, P.S.-Sikta, District- West Champaran.
 2. Munna Yadav Son of Bodha Yadav Resident of Sirisiya Mela, P.S.-Sikta, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 31-07-2019 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 12.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bettiah Town SC/ST P.S. Case No. 64 of 2018 registered under Sections 447, 504 & 506 of the Indian Penal Code and Section 3(i) (x) (s) 3 (ii) (va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant had obtained the property in question in Bhoodan. He cultivated the paddy crops in his field and when he went to his field to harvest the said crops, FIR named accused persons including the appellants forbade him from harvesting and slated him in the name of his caste and also assaulted him and when his wife rushed in his rescue, they also slated her in the name of her caste. Accused persons intend to take possession of the land forcibly.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have been falsely implicated in the case due to land dispute. Appellant no.1 has purchased the property in question from one Vivek Sahi in the year 1980 and is possession thereof but in order to grab the property of the appellants and to mount pressure upon them, the informant has lodged this false and frivolous case against them. Informant has not mentioned the details of the property in question in his written report. 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 Bettiah Town SC/ST P.S. Case No. 64 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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