

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3892 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- MAJHAULIA District- West Champaran

1. MITHLESH YADAV @ MITHILESH YADAV Son of Fuldeo Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.
2. Nikesh Yadav @ Nitesh Yadav @ Nitish Kumar Son of Fuldeo Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.
3. Sunil Yadav @ Sunil Kumar Yadav S/o Ram Prasad Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.
4. Awadesh Yadav @ Awadhesh Kumar Yadav Son of Late Mahadeo Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.
5. Akhilesh Yadav @ Akhilesh Kumar Yadav Son of Pundeo Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.
6. Birendra Yadav @ Birendra Rai Son of late Mahadeo Yadav Resident of Village - Gudara, P.S.- Majhauria, dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 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 30.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Bettiah, West Champaran in Majhauria P.S. Case No. 70 of 2019 registered under Sections 341, 323, 324, 325, 379 and 504/34 of the Indian Penal Code



and Section 3(i)(r) of the SC/ST Act.

While the informant was sitting at his door, appellants armed with weapons arriving at his door to mount pressure to withdraw the case lodged against them by the informant over land dispute started slating him. Mithlesh Yadav assaulted him by means of lathi and Nikesh Yadav pressed his neck. When his wife rushed in his rescue, Sunil Yadav tore her blouse. When his brother rushed in his rescue, Akhilesh Yadav assaulted him by means of rod while other accused persons took away Rs. 5000/- from his house. Mithlesh Yadav also slated him in the name of his caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Earlier informant had lodged Majhauriya P.S. Case No. 171 of 2018 against the appellants over land dispute and on granting bail in the said case by this Court, informant has again lodged this false and frivolous case against the appellants to harass them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of theft is super addition. Injuries sustained by the victims are not grievous. There is inordinate delay of 25 days in lodging the F.I.R. without assigning any plausible explanation



for the same.

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, SC/ST Act, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 70 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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