

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4159 of 2019

Arising Out of PS. Case No.-91 Year-2015 Thana- JOGAPATTI District- West Champaran

1. BHUTAN YADAV Son of Balister Yadav Resident of Village- Mishrauli, Police Station- Yogapatti, District- West Champaran.
2. Hukum Yadav Son of Balister Yadav Resident of Village- Mishrauli, Police Station- Yogapatti, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 07-11-2019 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 24.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Tr. No.29 of 2018, arising out of Yogapatti P.S. Case No. 91/2015 registered under Sections 147, 148, 341, 323, 447, 324, 379, 504 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Seven named accused persons including the appellants arrived at the door of the informant and appellant Bhutan Yadav assaulted on her head by means of bhala and other accused persons assaulted her by means of fist, leg and mungri and snatched her ornaments.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Both the parties happen to be the neighbour and appellants have been falsely implicated in the case due to land dispute. The allegation levelled against the appellants is not specific rather general and omnibus in nature. After investigation of the case I.O. has submitted charge sheet under Sections 323 and other allied Sections of the Indian Penal Code besides SC/ST Act but no offence under SC/ST Act is made out against the appellants as no allegation of slating the informant in the name of his caste has been made against the appellants. 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 learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah in connection with Trial No.29 of 2018, arising out of Yogapatti P.S. Case No. 91/2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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