

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4215 of 2019

Arising Out of PS. Case No.-342 Year-2019 Thana- MUFFASIL District- West Champaran

1. Mukesh Patel, Son of Sri Aklu Patel, Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
2. Vijay Patel, Son of Sri Aklu Patel Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
3. Chhathu Patel Son of Sri Aklu Patel, Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
4. Birbahadur Patel Son of Sri Shambhu Patel @ Shambhu Prasad Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
5. Sunil Patel @ Sunil Kumar Patel, Son of Late Ganga Patel, Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
6. Kanhaiya Patel, Son of Sri Shambhu Patel @ Shambhu Prasad, Resident of Village - Banuchhapar, P.S.- Banuchhapar O.P., Dist.- West Champaran.
7. Pappu Patel, Son of Sri Langtu Patel, Resident of Village - Lal Saraiya, P.S.- Majhauria, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Usha Kumari- 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-12-2019 This appeal has been filed for grant of anticipatory bail against the order dated 07.08.2019 passed by the learned 1st Additional Sessions Judge-Cum-Special Court, SC/ST Act, West Champaran, Bettiah in Bettiah Muffasil P. S. No. 342 of 2019, registered for the offences punishable under Sections 341, 323, 379, 504, 354 of IPC and Sections 3(1) (r) (w) (II) (va) of the SC/ST (Prevention of Atrocities) Act.



So far appellants are concerned, there are general allegation of abuse and assault to the informant by taking caste name and there is specific allegation against the appellant no.4 of assault on his nose, causing injury and against appellant no.6 of trying to disrobe his mother.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against the appellants and there is case and counter case between the parties.

Heard learned Special P. P. also, who has opposed the prayer for anticipatory bail of the appellants.

Having heard both sides, in view of the facts, as stated above, so far appellants no.4 and 6 are concerned, I am not inclined to grant privilege of anticipatory bail to them. As such, the appeal against them stands dismissed.

So far as other appellants are concerned, the impugned order dated 07.08.2019 passed by the learned 1st Additional Sessions Judge-Cum-Special Court, SC/ST Act, West Champaran, Bettiah, is set aside. They surrender before the court below within a period of three weeks from the date of receipt of certified copy of this order, on surrender, they will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees



Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of passed by the learned 1st Additional Sessions Judge-Cum-Special Court, SC/ST Act, West Champaran, Bettiah, in connection with Bettiah Muffasil P. S. No. 342 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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