

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4073 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- SIKTA District- West Champaran

1. Bindhyachal Yadav, (M), aged about 60 years, Son of Late Sukhal Yadav
2. Pradeep Yadav (M), aged about 28 years, Son of Bindhyachal Yadav
3. Jagdish Yadav (M), aged about 35 years, Son of Bindhyachal Yadav
4. Bagar Yadav, (M), aged about 55 years, Son of Late Sukhal Yadav
5. Geeta Devi, (F), aged about 32 years, Wife of Jagdish Yadav
6. Sandeep Yadav, (M), aged about 19 years, Son of Jagdish Yadav
7. Punam Devi, (F), aged about 25 years, Wife of Pradeep Yadav
8. Shilpi Kumari, (F), aged about 18 years, D/O Jagdish Yadav
9. Raju Yadav, (M), aged about 38 years, Son of Bagar Yadav
All Resident of Surajpur, P.S.- Sikta, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Adv.
For the Respondent/s : Mr. Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-11-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for anticipatory bail by order dated 19.08.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah West Champaran, in connection with A.B.P. N0. 1241 of 2019 arising out of Sikta P.S. Case No. 29 of 2019, registered under Sections 147, 148, 341, 323, 307, 447, 427, 504 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act.



Informant has stated in his written complaint that he belongs to Mahadalilt Communities and on 05.04.2019 at about 2:00 P.M. accused destroyed the wheat crop of informant and when they went there to protest against said action the FIR named accused abused them by their caste name and also assaulted them causing injury by lathi and rod.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. There is admitted land dispute between the parties and allegations in order to constitute offence under SC/ST Act is general and omnibus and ornamental in nature, injuries are simple in nature. There is case and counter case.

Considering the facts and circumstances of the present case, let appellants, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bonds shall be cancelled by the court below.

(3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

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

(S. Kumar, J)

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