

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4781 of 2019

Arising Out of PS. Case No.-169 Year-2019 Thana- MAJHAULIA District- West Champaran

1. BAIRISTAR YADAV @ BALISTAR YADAV S/o Dev Narayan Yadav R/o Village- Nanosati, P.S.- Majhauriya, District- West Champaran
2. Arun Yadav S/o Jiut Yadav R/o village- Nanosati, P.S.- Majhauriya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Murari Sharan Tiwari

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 15-11-2019 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 08.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, West Champaran, Bettiah in Majhauriya P.S. Case No. 169 of 2019 registered under Sections 341, 323, 354B, 379, 34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

While the informant was proceeding to Bettiah on tempo, on the way appellants started assaulting the driver of the tempo dragging him out of the tempo and on protest made by



the informant they also assaulted her and slated her in the name of her caste and pulled her saree. They snatched her Mangalsutra and purse containing cash of Rs.8500/-.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, husband of the informant was apprehended along with illicit liquor on the information of the appellants and moreover informant has taken Rs. 20,000/- from the appellant Bairistar Yadav and over non-payment of the same, said appellant has filed complaint case no. 713C of 2019 against the informant preceding to the case under hand and due to aforesaid reason informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. The allegation of theft is super addition. Appellants have no criminal antecedent.

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/POCSO, West Champaran, Bettiah in connection with Majhauriya P.S. Case No. 169 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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