

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4753 of 2019

Arising Out of PS. Case No.-4 Year-2017 Thana- THAKRAHA District- West Champaran

1. MULAYAM YADAV S/O Late Ram Saran Yadav Resident of Village- Hathuahawa, Muja Tola, P.S.-Thakaraha (Bhitha O.P.), District- West Champaran.
2. Yogendra Yadav @ Jogindra Yadav S/O Late Ram Saran Yadav Resident of Village- Hathuahawa, Muja Tola, P.S.-Thakaraha (Bhitha O.P.), District- West Champaran.
3. Dudhnath Yadav S/o Late Ram Saran Yadav Resident of Village- Hathuahawa, Muja Tola, P.S.-Thakaraha (Bhitha O.P.), District- West Champaran.
4. Jagarnath Yadav @ Jagranath Yadav S/o Late Ram Saran Yadav Resident of Village- Hathuahawa, Muja Tola, P.S.-Thakaraha (Bhitha O.P.), District- West Champaran.
5. Shila Devi W/o Yogendra Yadav @ Jogindra Yadav Resident of Village- Hathuahawa, Muja Tola, P.S.-Thakaraha (Bhitha O.P.), District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-11-2019 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 24.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in Thakaraha (Bhitha O.P.) P.S. Case No. 4 of 2017 registered



under Sections 147, 341, 323, 504 and 447 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

While the informant was collecting bonfire in his field, all the appellants descending there started slating him in the name of his caste. On protest made by him, they slapped him. In the meantime, when Ramakant Ram rushed in his rescue, they assaulted on his head by means of lathi. They also started dismantling the hut of the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, brother of the appellant nos. 1 to 4 has lodged Thakaraha (Bhitha O.P.) P.S. case no. 3 of 2017 against the informant and said Ramakant Ram for assaulting the wife of the appellant and in order to save skin from the said case 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. Said Ramakant Ram has also not sustained grievous injury. There is no allegation of slating the informant in the specific name of his caste against the appellants. 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, Bettiah, West Champaran in connection with Thakaraha (Bhitha O.P.) P.S. Case No. 4 of 2017, 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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