

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5123 of 2019**

Arising Out of PS. Case No.-63 Year-2019 Thana- SC/ST District- East Champaran

Yogendra Rai Son of Late Bhukhal Rai, Resident of Village - Dharmapur,  
Post - Chhapara Bahash, P.S. - Sugauli, District - East Champaran, Motihari.  
At Present - Revenue Cleark, Sagarampur Anchal, P.S.- Sagarampur, District -  
East Champaran, Motihari.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

**Appearance :**

|                      |   |                                                                                                     |
|----------------------|---|-----------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr.Yogesh Chandra Verma, Senior Advocate<br>Mr.Rajesh Kumar, Advocate<br>Mr.Deep Anshuman, Advocate |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl.P.P.                                                                        |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      25-11-2019                      Heard learned counsel for the appellant and learned  
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 15.10.2019 passed in A.B.P. No. 2524 of 2019 arising out of SC/ST P.S. Case No. 63 of 2019 registered under Sections 341, 323, 406, 420 and 504/34 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned 1<sup>st</sup> A.D.J.-cum-Special Judge, SC/ST Act, East Champaran, Motihari.

Learned counsel for the appellant submits that the appellant is a Revenue Karmachari and the informant being aggrieved by the distribution of compensation of land has made false



allegations against him and further that the appellant has also lodged one F.I.R. on the same date giving rise to Sangrampur P.S. Case No. 169 of 2019 in which he has alleged that the informant of this case had been created disturbance in discharge of his official duty in office, abused him and then the present appellant had to flee away from his office in order to save himself as also that vide Annexure '3' to the present memo of appeal, the parties have entered into a compromise with an intention to live peacefully.

Learned Spl.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein the submission on behalf of the appellant is that the appellant is a Revenue Karmachari and the informant being aggrieved by the distribution of compensation of land has made false allegations against him and further that the appellant has also lodged one F.I.R. on the same date giving rise to Sangrampur P.S. Case No. 169 of 2019 in which he has alleged that the informant of this case had been created disturbance in discharge of his official duty in office, abused him and then the present appellant had to flee away from his office in order to save himself as also that vide Annexure '3' to the present memo of appeal, the parties have entered into a compromise with an intention to live peacefully, the impugned order dated 15.10.2019 passed in A.B.P. No. 2524 of 2019 by learned 1<sup>st</sup> A.D.J.-cum-Special Judge, SC/ST Act, East Champaran, Motihari be



set aside, in the event of his arrest or surrender within a period of four weeks from today, let the appellant above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand ) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> A.D.J.-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with SC/ST P.S. Case No. 63 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

vats/ved

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