

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5207 of 2019

Arising Out of PS. Case No.-242 Year-2019 Thana- NAUTAN District- West Champaran

1. Ajay Yadav Son of Dina Yadav @ Dinanath Yadav, Resident of Village - Dachin (South) Telua Naurahi, P.S.- Nautan, District- West Champaran.
2. Guddu Yadav Son of Binod Yadav Resident of Village - Dachin (South) Telua Naurahi, P.S.- Nautan, District- West Champaran.
3. Akhilesh Yadav Son of Gobardhan Yadav, Resident of Village - Dachin (South) Telua Naurahi, P.S.- Nautan, District- West Champaran.
4. Bhola Yadav Son of Late Kailash Yadav, Resident of Village - Bagahi, P.S.- Bairiya, District- West Champaran.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-11-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 08.11.2019 passed in A.B.P. No. 1876 of 2019 arising out of Nautan P.S. Case No. 242 of 2019 registered under Sections 341, 323, 354B/ 379, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(f)/3(ii)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned 1st Additional



District and Sessions Judge-cum-Special Judge
(SC/ST/POCSO), Bettiah, West Champaran.

Learned counsel for the appellants submits that there is allegation against the appellants that they had been disturbing the orchestra party which had come on the eve of the marriage of the daughter of the informant. It is alleged that the appellants were asking orchestra party to sing a particular song on which the brother of the informant intervened and thereupon the accused persons abused him by taking caste name and assaulted him by lathi. It is further alleged that appellant no. 1 had torn the blouse of the informant and had taken away the golden ornaments.

Learned counsel for the appellants submits that there is a case and counter case. Annexure '2' is the counter case lodged by wife of one Dina Nath Yadav who has given a different version of the story and both the matters are under investigation at this stage.

In course of hearing learned counsel for the appellants as well as learned Spl. P.P. have submitted that the case is under Section 323 of the Indian Penal Code and there is no injury to either side.

Considering the facts and circumstances of the case,



wherein it appears that there is a case and counter case and alleged occurrence is said to have taken place in course of the appellants asking the orchestra party to sing a particular song and neither party have got any injury, the matter is under investigation, let the impugned order dated 08.11.2019 passed in A.B.P. No. 1876 of 2019 arising out of Nautan P.S. Case No. 242 of 2019 by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran be set aside.

Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Nautan P.S. Case No. 242 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)

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