

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.120 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- RAMNAGAR District- West Champaran

1. SUDARSHAN YADAV Son of Late Kishun Yadav Resident of Village - Semra Bargo, P.S.- Ramnagar, District - West Champaran.
2. Dilip Yadav @ Dilip Kumar Yadav Son of Sri Sudarshan Yadav Resident of Village - Semra Bargo, P.S.- Ramnagar, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Ramnagar P.S. Case No. 255 of 2019 registered for the offences under Sections 447, 323, 504/34 of the Indian Penal Code and 3(1)(r) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on petty issue, the accused persons, variously armed, while using abusive



language assaulted the informant and his family members.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. No grievous injury is said to have been caused in course of the occurrence on the informant's side. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18.12.2019 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, West Champaran at Bettiah in A.B.P. No. 2730 of 2019 in connection with Ramnagar P.S. Case No. 255 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the



event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Ramnagar P.S. Case No. 255 of 2019.

(Sudhir Singh, J)

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