

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.772 of 2020

Arising Out of PS. Case No.-111 Year-2019 Thana- SC/ST District- East Champaran

1. Yogi Singh S/o Late Mathura Singh Resident of Village- Laukariya, P.S.- Palanwa, Distt- East Champaran.
2. Lalsaheb Singh S/o Baliram Singh Resident of Village- Laukariya, P.S.- Palanwa, Distt- East Champaran.
3. Rajeev Singh @ Rajeev Kumar Singh S/o Baliram Singh Resident of Village- Laukariya, P.S.- Palanwa, Distt- East Champaran.
4. Rina Devi W/o Yogi Singh Resident of Village- Laukariya, P.S.- Palanwa, Distt- East Champaran.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 02-07-2020 Heard learned counsel for the appellants and learned counsel for the State via video conferencing.

The instant appeal under Section 14(A) 2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed by the appellants challenging the order dated 31.01.2020 passed in A.B.P. No. 3867 of 2019 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari.

By the aforesaid order dated 31.01.2020, the prayer for grant of pre-arrest bail by the appellants has been rejected. The appellants are being prosecuted for the offences punishable



under Sections 341, 323, 324, 379, 448, 504, and 506 read with 34 of the Indian Penal Code as also Sections 3(1)(f)(r)(s), 3(2)(Va) of the SC/ST (Prevention of Atrocities Act).

The contention advanced on behalf of the appellants is that the instant case has been instituted in retaliation to Palanawa P.S. Case No. 128 of 2019 registered *inter alia* under Sections 354B and 379 of the Indian Penal Code and Section 3/4 of the Witch Craft Act. It is further contended that the allegations made in the first information report are patently false and the same would also reflect from the fact that though the alleged occurrence of offence is said to have taken place on 21.11.2019, the first information report was registered after five days on 26.11.2019. It is next contended that from the allegations made in the first information report, none of the ingredients of the offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, would be attracted. Lastly, it is contended that there is nothing to suggest that the appellants wrongfully occupied or cultivated any land owned by, or any possession, or allotted to, or notified by any competent authority to the informant. There is also no evidence that the informant got the land in question transferred. There is also no material to show that the appellants



intentionally insulted or intimidated the informant with intent to humiliate in any place within public view.

Learned counsel for the State and learned counsel for the informant have opposed the prayer for grant of bail to the appellants.

Regard being had to the submissions made above, I am of the opinion that a case for grant of pre-arrest bail is made out. Accordingly, the order impugned dated 31.01.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, is set aside. The appellants are directed to be released on bail, in the event of their arrest or surrender before the court below on furnishing bail bond 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, East Champaran at Motihari in connection with Motihari P.S. Case No. 111 of 2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The appeal stands allowed.

(Ashwani Kumar Singh, J)

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