

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1172 of 2020

Arising Out of PS. Case No.-70 Year-2017 Thana- CHOUTARWA District- West Champaran

1. ANIRUDH PRASAD Son of Late Vishwanath Prasad
2. Rameshwar Prasad @ Rameshwar Prakash Son of late Vishwanath Prasad
3. Tarachand Prasad Son of late Vishwanath Prasad
4. Sunil Jaiswal @ Sunil Kumar Son of late Satya Narayan Prasad
5. Vishal Kumar Son of Sunil Prasad
6. Vikash Kumar Son of Sunil Prasad
7. Sukhdeo Rai @ Sukdeo Rai Son of Krishna Rai
8. Laloo Prasad Son of Tarachand Prasad all are Resident of Village - Chautarwa and Lagunaha, P.S.- Chautarwa, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Usha Kumari 1, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.02.2020 passed by learned 1st Additional District and Sessions Judge-cum Special Judge, SC/ST/POCSO,



Bettiah, West Champaran in connection with Trial No. 04 of 2020 arising out of Chautarwa P.S. Case No. 70 of 2017 registered under Sections 147, 448, 323, 354(A), 379, 504 of the Indian Penal Code and Sections 3(i) (w), 3(C) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that on 10.05.2017 all the appellants came and started abusing the informant with her caste name and also committed Mar-Pit. It is also alleged that appellant Sunil Jaiswal with bad intention thrashed her and Anirudh Prasad and Sukdeo Rai outrage her modesty, thereafter the neighbouring persons came there and saved her.

It is submitted by learned counsel for the appellants that appellants are innocent and has been falsely implicated in this case. He submits that there is land dispute between the parties. This fact has come in the case diary. It is submitted that there is land dispute between the parties, therefore, SC/ST Act is not applicable against the appellant. In this regard, counsel for the appellant sites the judgment of the Hon'ble Apex Court in the case of Hitesh Verma Vs. The State of Uttarakhan passed in Cr. Appeal No. 707 of 2020 arising out of SLP (criminal) No. 3585 of 2020. He further submits that police after investigation submitted final form against the



appellants but the learned court below has not accepted the final form and has taken cognizance against the appellants.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in connection with Trial No. 04 of 2020 arising out of Chautarwa P.S. Case No.70 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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