

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1674 of 2020**

Arising Out of PS. Case No.-425 Year-2019 Thana- NAUTAN District- West Champaran

1. RAJESHWAR YADAV S/o Babulal Yadav @ Nandlal Yadav R/o Village- Gamhariya, P.S.- Jagdishpur, District- West Champaran.
2. Babulal Yadav @ Nandlal Yadav S/o Late Lorik Yadav R/o Village- Gamhariya, P.S.- Jagdishpur, District- West Champaran.
3. Munna Kumar Yadav S/o Chandeshwar Yadav R/o Village- Gamhariya, P.S.- Jagdishpur, District- West Champaran.
4. Asha Devi W/o Raju Yadav R/o Village- Gamhariya, P.S.- Jagdishpur, District- West Champaran.
5. Lalita Devi W/o Mandal Yadav R/o Village- Gamhariya, P.S.- Jagdishpur, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-11-2020 At the outset, learned counsel for the appellants submitted that appellant no.1 (Rajeshwar Yadav) has already been arrested during the pendency of the appeal, as such, he seeks permission to withdraw the appeal in respect of appellant no.1, above named.

Permission is granted.

Appeal, in respect of appellant no.1, above named, is dismissed as withdrawn.



Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 27.02.2020, passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran in a case registered for the offence punishable under Sections 341, 323, 324, 325 and 354B of the Indian Penal Code and Sections 3 (i) (r) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellants have been rejected.

As per the prosecution case, on 30.09.2019 at about 6:00 hours, a dispute arose between the parties over the flow of drain water as a result of which these appellants assaulted the informant and abused him by calling his caste name. It is further alleged that due to dispute over the flow of drain water, scuffle took place between the parties.

Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants. Appellants have falsely been implicated in this case. Appellant No.1 has also filed a counter case against the informant and others bearing Nautan (Jagdishpur) Police Station Case No. 426 of 2019. It is stated in paragraph no.3 of the criminal appeal that



appellants have got clean antecedent.

Learned counsel for the State on the other hand vehemently opposes and submitted that there is specific allegation of assault against appellant nos. 2 and 3 as a result of which 5 persons have sustained injuries. So far as the appellant nos. 4 and 5 are concerned, there is no specific allegation of assault against them.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, the appeal, in respect of appellant no.2 (Babulal Yadav) and appellant no.3 (Munna Kumar Yadav), is rejected.

The appeal, in respect of appellant no.4 (Asha Devi) and appellant no.5 (Lalita Devi), is allowed and the impugned order dated 27.02.2020, in respect of appellant nos. 4 and 5, above named, is set aside.

Accordingly, in the event of arrest or surrender by the appellant nos. 4 and 5, above named, before the Court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran in Nautan



(Jagdishpur) Police Station Case No. 425 of 2019.

(Prabhat Kumar Singh, J)

Ankit/-

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