

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1514 of 2020

Arising Out of PS. Case No.-7 Year-2015 Thana- SC/ST BAGHA District- West Champaran

1. YOGI YADAV @ JOGI YADAV Son of Late Banshi Yadav Resident of Village- Bariarwa, P.S.- Chiutaha (Semra), District- West Champaran.
2. Mukesh Yadav @ Mukeshi Yadav Son of Late Banshi Yadav Resident of Village- Bariarwa, P.S.- Chiutaha (Semra), District- West Champaran.
3. Umesh Yadav Son of Late Banshi Yadav Resident of Village- Bariarwa, P.S.- Chiutaha (Semra), District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the State : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 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.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard the parties.

It has been submitted on behalf of the appellants that the present appeal is barred by limitation. It has further been submitted that due to Covid-19 lockdown, the present appeal could not be filed within time. He has further relied upon an order of the Hon’ble Supreme Court passed in ***SUO MOTU WRIT PETITION (CIVIL) No(s). 3 of 2020 under order dated 23-03-2020.***



In the light of the order of the Hon'ble Supreme Court as referred above, the delay in filing the appeal is condoned.

The matter relates to grant of anticipatory bail to the appellants in connection with Bagaha SC/ST P.S. Case No. 07 of 2015 registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(x)(xi) of the SC/ST (POA) Act.

Allegedly, the informant is the only offspring of her parents. Her parents being landless persons, were allotted government land. It is alleged that after death of informant's parents, the accused persons usurped the land and while the Karmchari came to release the land from the accused persons, all the appellants having caught hair of the informant, started abusing filthy languages taking her caste name and took her on the road.

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. The nature of injury is superficial. No grievous injury is said to have been caused by the appellants. After investigation, the police submitted final form but the court



below differed with the police report and took cognizance. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 06-02-2020 passed by learned Additional Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in Bagaha SC/ST P.S. Case No. 07 of 2015 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in connection with Bagaha SC/ST P.S. Case No. 07 of 2015.

(Sudhir Singh, J)

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