

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1692 of 2020**

Arising Out of PS. Case No.-181 Year-2017 Thana- SAHIYARA District- Sitamarhi

1. KAILASH PRASAD YADAV S/o Late Dukhharan Prasad Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.
2. Birendra Prasad Yadav S/o Late Ram Ekbal Prasad Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.
3. Sogarath Prasad Yadav @ Ram Swarath Prasad Yadav S/o Late Gagandeo Prasad Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.
4. Anish Kumar Yadav @ Anish Kumar S/o Late Jitendra Prasad Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.
5. Anil Prasad Yadav @ Bablu Yadav S/o Kailash Prasad Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.
6. Devendra Prasad Yadav @ Devendra Kumar Yadav S/o Rampukar Yadav Resident of Village-Dihthi, P.S.-Sahiyara, District-Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Pushpendra Kumar Singh  
For the Respondent/s : Mr. Dilip Kumar No.1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      08-12-2020                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects within three weeks of resumption of physical court



proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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 18.03.2020 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sahiyara P.S. Case No. 181 of 2017 registered under Sections 341, 504, 435 and 427/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the informant has alleged that the people of Yadav caste of his village assaulted him and when he returned to his village after treatment, then all the appellants came to his door at 12'o clock in the night and slated him by taking his caste name and they called him to come out from the house to kill him. The informant further alleged that when he and his family members did not come out from the house then then they set fire in the hut which was constructed for keeping husk. It is further alleged



that the aforesaid appellants told that there is one house of Dhobi and they will kill him and for this they have collected Rs. 5 lacs for saving themselves from the law.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. As a matter of fact, Sangita Devi had lodged Majorganj P.S. Case No.396 of 2017 dated 24.09.2017 under Sections 363 and 366A/34 of the Indian Penal Code against Jitendra Baitha, the full brother of the informant of this case and in retaliation thereto, this false and frivolous case has been lodged against the appellants on altogether false and baseless allegations.

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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with P.S. 181 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)**

Trivedi/-

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