

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1751 of 2020

Arising Out of PS. Case No.-451 Year-2019 Thana- NAUTAN District- West Champaran

1. DINANATH YADAV S/o Late Maharaj Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
2. Jitendra Yadav S/o Uma Shankar Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
3. Hari Yadav S/o Gobardhan Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
4. Anil Yadav S/o Uma Shankar Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
5. Ajay Yadav S/o Dinanath Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
6. Sabita Devi W/o Hari Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
7. Rabadi Devi W/o Dinanath Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
8. Pratima Devi W/o Jitendra Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
9. Rita Devi W/o Gobardhan Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
10. Akhilesh Yadav S/o Gobardhan Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
11. Rakesh Yadav S/o Hari Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
12. Sanjay Yadav S/o Gobardhan Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
13. Binod Yadav S/o Lakshdhari Yadav @ Lachdhari Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
14. Dharmendra Yadav S/o Hari Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
15. Bijay Yadav S/o Lakshdhari Yadav @ Lachdhari Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
16. Gobardhan Yadav S/o Late Jagan Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
17. Guddu Yadav S/o Binod Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
18. Ajay Yadav S/o Gobardhan Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
19. Ashok Yadav S/o Dinanath Yadav Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.



20. Om Prakash @ Bhola Yadav @ Om Prakash Yadav S/o Late Kailash Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.
21. Anita Devi W/o Ajay Yadav, Resident of Village-Dakchin (South) Telua, Tola-Naurahi, P.S.-Nautan, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2020 Heard learned counsel for the appellants and learned
Special P.P. 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 as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

Learned counsel for the appellants seeks permission
to withdraw this application against appellant nos. 12 and 16
because appellant no. 12 has been arrested and appellant no. 16
has been died.

Permission is granted.



Accordingly, this appeal is dismissed as withdrawn against appellant nos. 12 and 16.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 (hereinafter in short referred to as the 'S.C./S.T. Act'), against the refusal of prayer for bail vide order dated 21.03.2020 passed by the learned 1st Additional District and Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in A.B.P. No. 105/2020 arising out of Nautan P.S. Case No. 451/2019 registered under Sections 147/148/149/341/323/354B/379/504/506 of the Indian Penal Code and Sections 3 (i)(r) (a)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case in brief is that on 20.11.2019, the informant gave a written report to Nautan P.S. stating that on 26.06.2019, the informant has lodged FIR against accused persons namely Gobardhan Yadav and Ajay Yadav and when the police came to arrest them, they fled away. After departure of the police all the 22 accused persons named in the FIR entered into the house of the informant and abused her taking her caste name. Upon the order of accused Dinanath Yadav, Hari Yadav, Akhilesh Yadav, Sanjay Yadav and Ajay Yadav caught hair of



the informant and assaulted her by fist and slaps. The sari of the informant was torn. The Mangalsutra of the informant was also snatched away by the accused persons.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute between the parties who are next door neighbours. None has sustained any serious injury in this occurrence. The informant is in the habit of filing false case against the present appellants and their family members. Earlier, she had filed Nautan P.S. Case No. 242/2019 against the appellant nos. 5, 10, 17 and 20 in which they have been anticipatory bail by this Hon'ble Court vide order dated 28.11.2019 passed in Cr. Appeal (S.J.) No. 5207/2019.

Learned counsel for the appellants further submits that the appellant, Rita Devi has also filed Nautan P.S. Case No. 478/2019 u/ss. 341/323/324/307/379/504/34 of the I.P.C. and $\frac{3}{4}$ of the Prevention of Witch (Diaan) Practices Act against the family members of the present informant. It is admitted that there is land dispute between the parties. The allegations do not constitute any offence within the meaning of any provision of SC/ST (POA) Act. The occurrence took place in a public place



not in a house.

Learned Special P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, except appellant nos. 12 and 16, in the event or 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 learned 1st Additional District and Sessions Judge cum Special Judge SC/ST/POCSO Act, Bettiah, West Champaran in A.B.P. No. 105/2020 arising out of Nautan P.S. Case No. 451/2019, 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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