

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1793 of 2020

Arising Out of PS. Case No.-65 Year-2018 Thana- SC/ST District- East Champaran

1. RAMBHU SINGH Son of Late Sudama Singh Resident of Village-Kotwa, Police Station-Kotwa, District-East Champaran.
2. Bhushan Singh S/o Balbhadar Singh Resident of Village-Kotwa, Police Station-Kotwa, District-East Champaran.
3. Sushil Singh Son of Balbhadar Singh Resident of Village-Kotwa, Police Station-Kotwa, District-East Champaran.
4. Nawal Patel Son of Mahendra Raut Resident of Village-Kotwa, Police Station-Kotwa, District-East Champaran.
5. Vijay Singh Son of Late Sudama Singh Resident of Village-Kotwa, Police Station-Kotwa, District-East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr. Vinay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellants and Shri Vinay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 07.03.2020 passed by the learned 1st



Additional District and Session Judge-cum-Special Judge (SC/ST), East Champaran, Motihari in Anticipatory Bail Petition No. 269 of 2020 arising out of Motihari SC/ST P.S. Case No. 65 of 2018 registered under Sections 341, 323, 354(B), 379, 436, 504/34 of the Indian Penal Code and Sections 3(i)(d), (r) (s), 3(2) (iv) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The appellants herein are stated to have arrived at the hut of the informant and thereafter they had not only abused the informant by taking his caste name but had also set his hut on fire.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and they are having a clean antecedent. It is submitted by the learned counsel for the appellants that admittedly the land in question is in the peaceful possession of the appellant no. 1, nonetheless, the informant and other members of the prosecution party are trying to forcibly take possession of the same, as such have falsely implicated the appellants herein in the present case. The present case arises out



of case and counter case and in fact as far as the present case is concerned, the police has filed final form dated 29.09.2018, prima facie finding the alleged occurrence to be untrue.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that the occurrence in question has been found to be untrue by the police, though the learned court below has differed from the final form submitted by the police and taken cognizance of the offence alleged and moreover, the appellants are having a clean antecedent as also are stated to be in possession of the disputed land, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Session Judge-cum-Special Judge (SC/ST), Motihari, East Champaran in connection with Motihari SC/ST P.S. Case No. 65 of 2018,



subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 07.03.2020 passed by the learned 1st Additional District and Session Judge-cum-Special Judge (SC/ST), East Champaran, Motihari in Anticipatory Bail Petition No. 269 of 2020 arising out of Motihari SC/ST P.S. Case No. 65 of 2018, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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