

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4364 of 2019**

Arising Out of PS. Case No.-258 Year-2018 Thana- NAUTAN District- West Champaran

1. Anirudh Yadav @ Anurudh Yadav @ Anerud Yadav S/O Late Bangali Yadav
  2. Ramashray Yadav @ Rameshwar Yadav @ Ramshray Yadav S/O Late Banshi Yadav
  3. Chathu Yadav S/O Late Banshi Yadav
  4. Indal Yadav S/o Ramashray Yadav @ Rameshwar Yadav @ Ramshray Yadav
- All Resident of Village- Khalwa Gahiri, P.S.- Nautan (Jagdishpur), District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Sanjeev Kumar, Adv  
For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      24-02-2020                      Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 04.09.2019 in A.B.P. No.1957 of 2019 arising out of Nautan (Jagdishpur)P.S.Case No.258 of 2018 passed by the learned 1<sup>st</sup> Addl. District and Sessions Judge-cum-Special Judge SC/ST/POCSO, Bettiah, West Champaran registered under Sections 147,148,149,448,323,504,389,486,427,354,307 of the Indian Penal Code and Sections 3(1)(e)/3(1)(g) of the



Scheduled Castes and Scheduled Tribes Act.

The complaint petition would reveal that the complainant-Nand Kishore Paswan claims his possession over 05 decimals of Plot No.1584 whereas Badri Paswan, the father of Nand Kishore Paswan had already sold the said plot and area to one Gokhul Yadav through registered sale deed dated 22.08.1996. A copy of the same is at Annexure-3.

In turn, Gokhul Yadav sold the same plot to appellant No.1-Anirudh Yadav @ Anurudh Yadav @ Anerud Yadav by registered sale deed dated 09.01.2005. A copy at Annexure-4.

Considering the bonafide claim of the appellants as well as better claim of the appellants on the referred plot, non-grant of anticipatory bail to the appellants would amount to failure of justice, hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and further the appellants shall fully cooperate with the investigation/trial of the case and also the appellants shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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