

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5740 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. YOGENDRA DAS @ YOGENDRA PRASAD @ JOGINDRA DAS Son of Babulal Das Resident of Village- Areraj Ward No.02, P.S- Govindganj, District- East Champaran.
 2. Rajendra Das Son of Babulal Das Resident of Village-Areraj Ward no.02, P.S-Govindganj, District-East Champaran.
 3. Ashok Das Son of Yogendra Das @ Yogendra Prasad @ Jogindra Das Resident of Village-Areraj Ward no.02, P.S-Govindganj, District-East Champaran.
 4. Bhola Das Son of Prabhu Das Resident of Village-Areraj Ward no.02, P.S-Govindganj, District-East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Pukari Devi Wife of Girdhari Paswan Resident of Village-Areraj Ward no.02, P.S-Govindganj, District-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Karandeep Kumar, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 03.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in A.B.P. No. 3612 of 2019, arising out of Complaint Case No. 76 of 2019 registered under Sections



323, 380, 447, 427, 354 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant no.1 is purchaser of part of the area of Plot No. 2069 from the same vendor from which the complainant also purchased a portion of the same. Learned counsel for the appellants has produced a photocopy of the registered sale deed dated 02.04.1983 in respect of plot referred in the complaint petition. Thus, the land dispute is there between the parties and a case for demarcation of area of the parties is going on before the competent authority.

In the aforesaid background, allegation is that the appellants abused and assaulted to the complainant by taking caste name.

Submission is that just to pressurize in the civil dispute, false allegation has been levelled.

Finding substance in the aforesaid submission, 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 bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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