

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1265 of 2021

Arising Out of PS. Case No.-60 Year-2017 Thana- SC/ST District- Araria

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1. PURNANAND SAH, Son of Late Sugdev Sah Resident of village - Nakta Khurd, Police Station - Palasi, District - Araria.
 2. Yoganand Sah, Son of Late Bhakoo Sah @ Bhagwat Shah Resident of village - Sonakander, Police Station - Palasi, District - Araria.
 3. Kirtiyanand Yadav, Son of Sone Lal Yadav Resident of village - Nakta Khurd, Police Station - Palasi, District - Araria.
 4. Madan Lal Yadav @ Jivan Lal Yadav @ Ranjit Yadav, Son of Kesh lal Yadav Resident of village - Nakta Khurd, Police Station - Palasi, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anamul Haque
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-07-2021 Heard Mr. Anamul Haque, learned counsel for

the appellants and Ms. Usha Kumari, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

11.11.2020, passed by the learned 1st Additional

Sessions cum Special Judge, Araria, in A.B.P. No. 1410

of 2020, arising out of Araria (SC/ST) P. S. Case No.

60 of 2017 (Spl. (SC/ST) Case No. 272 of 2017),



whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 354 B, 452 and 380 of the Indian Penal Code and Section 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having abused and insulted the informant.

It has been alleged in the F.I.R. that earlier also the informant had filed a case against the appellants but the police in collusion with the accused persons managed to have the case compounded. Later, again the accused persons including the appellants have misbehaved with the informant.

The learned counsel for the appellants has submitted that the informant had attempted to encroach upon the public land in front of her house and when this was protested, the present case was lodged with general and omnibus allegations.



The appellant no. 1 is the Ward Member whereas the other appellants are not keeping good health and they have been made accused in this case because they have participated in public protest against the encroachment made by the informant.

The accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only to make the case look serious.

The learned counsel for the appellants has also submitted that the local Panchayat functionaries have also reported that the informant is in the habit of making such wild allegations.

For the afore-stated reasons, the order dated 11.11.2020, passed by the learned 1st Additional Sessions cum Special Judge, Araria, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions cum Special Judge, Araria, in connection with Araria (SC/ST) P. S. Case No. 60 of 2017 (Spl. (SC/ST) Case No. 272 of 2017), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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