

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1531 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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1. Chhotelal Yadav Son of Late Nanku Yadav Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.
 2. Vijay Yadav Son of Rajdeo Yadav Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.
 3. Dashrath Yadav Son of Late Nanku Sah Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.
 4. Dinesh Yadav Son of Rajdeo Yadav Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.
 5. Sunil Yadav Son of Ramraj Yadav Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.
 6. Ramraj Yadav Son of Late Nanku Sah Resident of Village - Chatiya Diyar, P.s.- Malahi, Distt.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellants and

learned APP for the State.

Learned counsel for the appellants is expected
to honour his undertaking given in the instant case for
depositing the requisite court fee and to remove the
defects as pointed out by the office when called upon to
do so by the office.



The appellants have challenged the order dated 05.01.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 225 of 2020 instituted for the offences under Sections 341, 324, 354, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on anticipatory bail has been rejected.

Learned counsel for the appellants submits that the allegation against the appellant is omnibus and general and in the background of some land dispute between the parties, this false case has been instituted against the appellants. Moreover, the occurrence has not committed in public view, hence the provisions of the SC/ST Act shall not be attracted. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 05.01.2021. The appeal is hereby allowed.

The appellants, above named are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, East Champaran, Motihari in connection with Govindganj(Malahi) P.S. Case No. 225 of 2020.

(Sunil Kumar Panwar, J)

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