

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.756 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- CHANPATIA District- West Champaran

1. SRI BIKASH TIWARI @ VIKASH TIWARI son of Ajay Tiwari Resident of Village - Tiwari Tola (Kurwa Mathia), P.S.- Chanpatia, District - West Champaran.
2. Umesh Thakur Son of Shankar Thakur Resident of Village - Upadhyay Tola (Kurwa Mathia), P.S.- Chanpatia, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anshuman Singh, Adv. Mr. Rakesh Kumar No.1, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T. Act against the order dated 04.01.2020 passed by learned Additional Sessions Judge I-cum-Special Judge, SC/ST/POCSO Act, West Champaran at Bettiah by which the anticipatory bail of the appellants has been rejected in Chanpatia P.S. Case No.42 of 2019 registered under Sections 147, 148, 149, 153, 188, 341, 342, 323, 353, 307, 379, 504 and 506 of the Indian Penal Code and under Section 3(i)(r)(ii)(v-a) of the S.C./S.T. Act.

The informant is Executive Engineer of BIADA. The informant alleged that he went to the acquired land of the



Government of Bihar but some unknown villagers and anti social elements having armed with different weapons came at the place of occurrence and stopped the working of measurement of the land. Earlier Chanpatia P.S. Case No.26 of 2019 was registered and thereafter the work of construction of boundary wall again taken up but the accused persons came and snatched the chain and other articles meant for measuring the land. It is further alleged that the accused persons abused and assaulted the Amin who belongs to the Schedule Caste.

The learned counsel for the appellants submits that villagers were protesting the illegal and forceful possession of the land. There was no intention for humiliating any members of the Schedule Caste and Schedule Tribes. The informant is Executive Engineer, BIADA and one of the officers, the Amin, who was measuring the land is said to have been abused but the statement of Amin has not been recorded. There is absolutely no allegation as to who abused the informant.

Learned Special P.P. opposed the prayer for anticipatory bail.

Having considered the submissions of both sides and on perusal of the record, it appears that Executive Engineer, Anuj Shukla lodged the case and the informant alleged that



Amin who was involved in measuring the land was abused and his chain was snatched but the statement of the Amin has not been recorded. The informant and other officials were on official duty and the villagers were protesting. No act is alleged to have been made with an intention to humiliate any members of the Schedule Castes and Schedule Tribes. Thus, I find that appellants deserve anticipatory bail.

Taking into consideration the facts aforesaid, the appeal is allowed, the order dated 04.01.2020 is set aside and let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST/POCSO Act, West Champaran at Bettiah in connection with Chanpatia P.S. Case No.42 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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