

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1855 of 2021

Arising Out of PS. Case No.-413 Year-2019 Thana- NAUTAN District- West Champaran

1. Munna Shrivastav @ Prakash Kumar @ Prakash Kumar Verma @ Jhunna Shrivastava Son Of Suresh Prasad Shrivastav R/O Village- Jaynagar, P.S.- Nautan, District- West Champaran.
2. Chandan Prasad @ Chandan Kumar Son Of Premchand Prasad R/O Village- Jaynagar, P.S.- Nautan, District- West Champaran.
3. Mithilesh Prasad Son Of Chandrika Prasad R/O Village- Jaynagar, P.S.- Nautan, District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 148, 149, 341, 323, 353, 504 of the Indian Penal Code and Section 3(i)(r)(f)/3(2)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that on 25.10.2019 at about 10 a.m. while the informant along with police force was on patrolling duty, he received information that on account of land dispute, scuffle was taking place in between two groups.

Thereafter the informant along with police force had gone to the alleged place of occurrence. The accused persons including the appellants and 150 unknown persons variously armed started abusing the informant and had also entered into a scuffle with police force.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. Altogether 27 persons and 150 unknown persons have been made accused in the present case. Other co-accused persons have been granted anticipatory bail vide Annexure 2 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the orders dated 19.12.2020 and 13.01.2021, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge

(SC/ST), Bettiah, West Champaran vide A.B.P. No. 2409 of 2020 and A.B.P. No.18 of 2021 in connection with Nautan P.S. case No.413 of 2019, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Nautan P.S. case No.413 of 2019.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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