

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2501 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- NAUTAN District- West Champaran

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1. AMARJIT YADAV, Son of Asarfi Yadav Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 2. BHUSHAN YADAV SON OF ASARFI YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 3. NANHU YADAV SON OF ASARFI YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 4. ASARAFI YADAV SON OF BHOLA YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 5. SHANKAR YADAV SON OF LATE HARI YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 6. PRAMOD YADAV SON OF BHUALI YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 7. SAURI YADAV SON OF RAMDEV YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.
 8. BHULAN YADAV SON OF BHARTH YADAV Resident of Village- Banhaura, P.S.- Nautan, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021

Heard Mr. Binay Kumar, learned Advocate for



the appellants and Ms. Usha Kumari - I, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 08.09.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge SC/ST, West Champaran at Bettiah, in A.B.P. No. 573 of 2020, arising out of Nautan P. S. Case No. 21 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 148, 341, 323, 324, 379 and 504 of the Indian Penal Code and Sections 3 (i) (r) (f) and 3 (ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of the appellants having assaulted and abused the informant and her other family members.

The accusations are frivolous and only because of the land dispute, the present case has been lodged.

Since there is no charge under Section 307 of



the Indian Penal Code, the learned counsel for the appellants infers that nobody has received any grievous injuries in the occurrence.

The accusation with respect to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, it has been argued, has unnecessarily been added in order to make the case look serious.

For the afore-stated reasons, the order dated 08.09.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge SC/ST, West Champaran at Bettiah, 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 District and Sessions Judge cum Special
Judge SC/ST, West Champaran at Bettiah, in connection
with Nautan P. S. Case No. 21 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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