

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1705 of 2020**

Arising Out of PS. Case No.-38 Year-2015 Thana- THAKRAHA District- West Champaran

1. Prabhu Yadav, aged about 35 years, Male, S/o Paras Yadav
2. Naresh Yadav, aged about 32 years, Male, S/o Paras Yadav
3. Sadhu Yadav, aged about 31 years, Male, S/o Paras Yadav
4. Dukhi Yadav, aged about 49 years, Male, S/o Amala Yadav, all resident of Village-Jhauhatiya, P.S.-Bhitaha (O.P.), District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithvi Nath Mishra, Advocate
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-01-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 15.10.2019 passed by learned Additional District and Sessions Judge-Ist-cum-Special Judge, SC/ST-POCSO Act, Bettiah, West Champaran in A.B.P. No.2390 of 2019, whereby the Anticipatory Bail Petition of the appellant in connection with Tlhakaraha (Bhitaha) P.S. Case No.38 of 2015 for the offences punishable under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3 (i) (x) of SC/ST (Prevention of Atrocities) Act, 1989 has been rejected.

The prosecution case in brief is that on 14.04.2015 at



about 6.00 A.M., the informant went to his own field and he saw that “Makai” was cut and just behind vegetable field of the accused namely Prabhu Yadav was there. He used to look after the field with fixed shelter and where the informant asked him who cut the “Makai” on this question all accused persons abused the cast name to the informant and thereafter, they started the Mar-pit with the informants and when wife and son of the informant came to save her, the accused persons started the Mar-pit with the wife and son of the informant. Regarding this occurrence, panchayati was held.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. There is case and counter case between the parties and there is land dispute between the parties. He further submits that on perusal of the F.I.R., it transpired that the occurrence had taken place in the house and not in the public place.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of



Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional Disgtrict and Sessions Judge-Ist-cum-Special Judge Bettiah, West Champaran in connection with Thakaraha Bhitaha P.S. Case No.38 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 15.10.2019 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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