

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1897 of 2020

Arising Out of PS. Case No.-429 Year-2019 Thana- MAJHAULIA District- West Champaran

1. OM PRAKASH YADAV Son of Late Surendra Yadav Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
2. Jai Prakash Yadav Son of Late Surendra Yadav Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
3. Dilip Yadav Son of Ramdeo Yadav Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
4. Godha Yadav Son of Late Dharohar Yadav Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
5. Chunnulal Srivastava @ Chunnu Prasad Srivastava Son of Late Satyadeo Prasad Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
6. Manjoor Mian Son of Bachchu Mian Resident of Village - Kachahari Tola Majhariya Sheikh, P.S.- Majhauria, District - West Champaran
7. Vijay Yadav Son of Late Chandradev Yadav Resident of Village - Motihari Chandmari, P.S.- Motihari Town, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.



At the outset, learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant No. 5 as during pendency of this appeal, the appellant No. 5 has been taken into judicial custody.

Permission is granted.

Accordingly, this appeal with regard to appellant No. 5 is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellant Nos. 1, 2, 3, 4, 6 & 7 in connection with Majhauria P.S. Case No. 429 of 2019 registered for the offences under Sections 147, 148, 149, 385, 427, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(v) of the SC/ST (POA) Act.

Allegedly, in the backdrop of land dispute, the accused persons are said to have demanded ransom of Rs. One lac from the informant. It is further alleged that the accused persons tried to get ploughed the field of the informant and on protest, the accused persons called his caste name and destroyed the crops standing in the field.

It has been submitted on behalf of the appellant Nos. 1, 2, 4, 6 & 7 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant Nos. 1, 2, 3, 4, 6 & 7. The appellant Nos. 1, 2, 3, 4, 6



& 7 have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. For a petty reason, the alleged occurrence has taken place. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant Nos. 1, 2, 3, 4, 6 & 7 are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 14-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran in Majhauria P.S. Case No. 429 of 2019 is set aside in respect of appellant Nos. 1, 2, 3, 4, 6 & 7 only. The present Criminal Appeal is allowed in respect of appellant Nos. 1, 2, 3, 4, 6 & 7 *only*.

Accordingly, let the appellant Nos. 1, 2, 3, 4, 6 & 7, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District &



Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO),
Bettiah, West Champaran in connection with Majhaulia P.S.
Case No. 429 of 2019.

(Sudhir Singh, J)

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