

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2012 of 2020**

Arising Out of PS. Case No.-144 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. CHHOTELAL YADAV S/o Late Seetaram Yadav
 2. Awadhesh Kumar @ Jhuna Kumar Yadav @ Jhuna Yadav S/o Badri Yadav
Both R/o Village- Dharmauta, P.S.- Choutarwa, District- West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-01-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 19.08.2020 passed by learned Additional District and Sessions Judge 1st cum Special Judge, Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 144/2020 registered for the offences punishable under Sections 341/323/325/354/379/427/447/504/506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, appellant No. 1 is said to have dragged the informant by catching her hairs and assaulted



her with fists and slaps and appellant No. 2 is said to have snatched the nose-pin and necklace from the informant and took away Rs. 5500/- from the box.

It is submitted on behalf of the appellants that the allegation of assault by *lathi* is against other co-accused. So far as these appellants are concerned, appellant No. 1 is alleged to have assaulted by fists and slaps and appellant No. 2 is alleged to have snatched ornaments. It is further submitted that due to land dispute between the parties, these appellants have been falsely implicated in this case only with a view to insult and humiliate them. It is further alleged that the informant was trying to capture the land of the appellant No. 1 and on protest some altercation took place between them and no SC/ST Act is made out as it is a land dispute.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 19.08.2020 passed by learned Additional District and Sessions Judge 1st cum Special Judge, Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 144/2020, is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from



the date of receipt/production of a copy of this order, be enlarged 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 learned Additional District and Sessions Judge 1st cum Special Judge, Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 144/2020.

(Prabhat Kumar Singh, J)

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