

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.354 of 2021

Arising Out of PS. Case No.-348 Year-2018 Thana- MAJHAULIA District- West Champaran

1. VIJAY KUMAR @ VIJAY GUPTA SON OF JUGAL PRASAD RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
2. MUKESH PRASAD @ MUKESH KUMAR SON OF LATE HARI SHANKAR PRASAD RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
3. JUGAL PRASAD @ YUGAL PRASAD SON OF LATE RAMJI SAH RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
4. MANOJ KUMAR @ MANOJ GUPTA S/O GAYA PRASAD RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
5. GUDDU PRASAD @ GUDDU KUMAR SON OF RAMESHWAR SAH RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
6. HARENDRA KISHORE GUPTA SON OF GAYA PRASAD RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
7. PRADEEP GUPTA SON OF GAYA PRASAD RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
8. AJAY GUPTA @ AJAY PRASAD S/O BIKRAMA SAH RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
9. SHEOPUJAN SAH @ SHEOPUJAN PRASAD S/O LATE RUDAL SAH RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
10. MADAN SAH S/O LATE KHUBLAL SAH RESIDENT OF VILLAGE-NANOSATI, POLICE STATION-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar No 7
For the Respondent/s	:	Mr.A.G.
For the Informant	:	Mr. Shakil Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH



ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants, learned Special P.P.for the State and learned counsel for the informant through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The appellants have challenged the order dated 21.8.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 449 of 2020 in connection with Majhauriya P.S. Case No. 348 of 2018 registered for the offences under sections 341, 323, 385, 354(C), 379, 504, 506, 34 of the Indian Penal Code and 3(i)(v)(r), 3(2va) of the SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons, variously armed came at the land of the informant and attempted to capture the same and on protest, the accused persons abused the informant by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



appellants. The appellants have falsely been implicated in the present case. No deadly weapon is said to have been used in course of the occurrence. The date of occurrence is said to be 19.07.2018 for which the F.I.R. was instituted on 10.8.2018. The delay has not been explained by the prosecution. There is admitted land dispute between the parties. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 21.8.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 449 of 2020 by which the anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of arrest/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 21.8.2020 passed by learned 1st Additional District and Sessions



Judge-cum- Special Judge, SC/ST, Bettiah, West Champaran in
connection with Majhauriya P.S. Case No. 348 of 2018.

The appeal stands allowed.

(Sudhir Singh, J)

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