

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3495 of 2021

Arising Out of PS. Case No.-13 Year-2018 Thana- LAURIA District- West Champaran

1. Ramchandra Yadav, S/O Late Angad Yadav Resident of village- Maulanagar, Parau Tola, P.S. - Lauriya, District - West Champaran.
2. Lutan Yadav S/O Shambhu Yadav Resident of village- Maulanagar, Parau Tola, P.S. - Lauriya, District - West Champaran.
3. Arti Devi D/O Shambhu Yadav Resident of village - Maulanagar, Parau Tola, P.S. - Lauriya, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar- Advocate
For the Respondent/s : Mr. S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-09-2021 Heard Mr. Sanjeev Kumar, the learned Advocate for

the appellants and the learned Special Public Prosecutor for the

State.

The appellants have challenged the order dated
26.02.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge (SC/ST/ POCSO), Bettiah, West
Champaran in connection with Lauriya P. S. Case No.13 of
2018, instituted for the offences under Sections 341, 323,
324, 379, 435, 504/ 34 of the Indian Penal Code and Section
3(i)(g)(h)(ii)(v-a) of the Scheduled Castes & Scheduled
Tribes (Prevention of Atrocities) Act, 1989, whereby their



prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that because of the earlier land dispute between the parties, the accused persons set the house of the informant on fire. Later, the appellants are said to have assaulted, abused and demeaned the informant and other members of the prosecution party.

The learned Advocate for the appellants has submitted that the parties are next-door neighbours and admittedly, the dispute exists between them with respect to demarcation of land. There is delay of two days in lodging the F.I.R. There is no injury report on record. The accusation involving the mischief of SC/ST (P.O.A.) Act, it has been urged, is highly over exaggerated.

Regard being had to the afore-stated facts, it has been urged that the offence under the SC/ST (P.O.A.) Act cannot be said to have been made out against the appellants.

The order dated 26.02.2020 is thus set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Lauriya P. S. Case No.13 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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