

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2152 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- GOBARDHANA District- West
Champan

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1. TAPI YADAV, aged about 60 years, Male, son of late Abhilakh Yadav.
 2. JYOTI DEVI @ JIUTI DEVI, aged about 56 years, Female, wife of Sri Tapi Yadav.
 3. RAJKRIT YADAV, aged about 40 years, Male, son of Sri Tapi Yadav.
 4. RAJU YADAV, aged about 37 years, Male, son of Sri Tapi Yadav.
All resident of Village- Balua Bakhraha, P.S.- Gobardhana,
District- West Champan.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER**

2 26-02-2021 Heard learned counsel for the appellants and
learned Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the order dated 20.08.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C. & S.T. Act, West Champan at Bettiah, in connection with Gobardhana P.S. Case No.15 of 2020, registered for the offence under Sections 341, 323, 324, 427, 504 and 506/34 of the Indian



Penal Code and under Sections 3(i)(r)(s) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellants.

Allegation has been made that on 21.04.2020 at about 8:30 A.M. the appellants entered into the house of the informant and started hurling abuses by taking his caste name. It has also been alleged that they also assaulted the informant and his family members and destroyed the ration kept in the house.

Learned counsel for the appellants submits that this case has been lodged in order to settle the personal score as the appellant no.1 has filed a case for demarcating the land between the appellants and informant and accordingly, the land was measured and it was found that the informant has encroached upon the land of the appellants. He further submits that a civil case with respect to land dispute is pending between the parties.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, S.C. & S.T. Act, West Champaran at Bettiah, in



connection with Gobardhana P.S. Case No.15 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 20.08.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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