

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2195 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- MUFFASIL District- West Champaran

1. DEVENDRA PRASAD YADAV @ DEVENDRA YADAV, aged about 40 years (Male), son of Ekbal Yadav @ Ekbal Rai.
2. Brij Kishore Yadav @ Veer Kishore Yadav, aged about 38 years (Male), son of Ekbal Yadav @ Ekbal Rai.

Both are resident of village- Jai Prakash Nagar, Ward No. 12 (in front of west gate of Ram Lakhan Singh College), P.S.- Bettiah Muffasil, District- West Champaran

... .. Appellants

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-03-2021 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 21.08.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District- West Champaran, in connection with Bettiah Muffasil P.S. Case No.140 of 2020, registered for the offence under Sections 341, 323, 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.

There is case and counter case from both the sides. Allegation has been made that on 05.03.2020 at about 10:30 P.M. in the night while the informant was returning after taking meal from the house of one Bajrangi Sah, he saw that the accused persons were quarreling with some boys, who were residing in the house of Bhukhal Yadav, so he tried to restrain them but, the appellants abused the informant by taking his caste name and they also assaulted him.

Learned counsel for the appellants submits that it is a case of assault by fist and slaps and all the sections are bailable except the offence made under the S.C./S.T. Act. He further submits that from the side of the appellants, a counter case has also been lodged, in which allegation has been made that they were brutally assaulted by the adversary, as a result of which, they sustained grievous injury and admitted in the hospital.

Looking to the entire facts and circumstances of the case, 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 (SC/ST), Bettiah, District-West Champaran, in connection with Bettiah Muffasil P.S. Case No.140 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 appellants 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 21.08.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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