

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3528 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- GAUNAHA District- West Champaran

1. SANDESH YADAV S/o SRI MEGHA YADAV R/O VILLAGE-BAJRA, P.S-SAHODRA, DISTRICT-WEST CHAMPARAN.
2. BABLOO PATEL S/o SRI HEERA PATEL R/o VILLAGE-MURLI BHARAHWA, P.S-GAUHANA, DISTRICT-WEST CHAMPARAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 29-10-2021 Heard learned counsel for the appellants and the State through virtual mode.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The appellants have challenged the order dated 04-02-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 114 of 2020 registered for the offences under Sections-147, 148, 149, 323, 385, 387, 427, 504, 506/34 of the Indian Penal Code and Section-3(i)(r)(s) (w) of SC & ST (Prevention of Atrocities) Act whereby the



prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that in the backdrop of land dispute, the accused persons having armed with Lathi and Danda came and started demolishing house of the informant. It is further alleged that the accused persons misbehaved with females of the home and took away the household articles worth Rs. 90,000/-

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The allegation of extortion of money is denied by the appellants. There is admitted land dispute between the parties. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 04-02-2021 passed



by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 114 of 2020 by which the anticipatory bail of the appellants was rejected.

Accordingly, the order dated 04-02-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 114 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve 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 learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in Gaunaha P.S. Case No. 114 of 2020.

(Sudhir Singh, J)

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