

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.275 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- BAIRIYA District- West Champaran

1. RAMJEE MUKHIYA S/o Ramayan Mukhiya Resident of Village-Bairiya Tand, Police Station-Bairiya, District-West Champaran.
2. RAMAYAN MUKHIYA S/o Late Dhuruv Mukhiya @ Dhuri Mukhiya Resident of Village-Bairiya Tand, Police Station-Bairiya, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-06-2021 Heard Mr. Arbind Kumar Singh, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned Special

P.P. for the State.

The appellant have challenged the order dated

07.09.2020 passed by the learned 1st Additional District and

Sessions Judge-cum-Special Judge, (SC/ST), Bettiah, West

Champaran in A.B.P. No. 1185 of 2020 arising out of Bairiya

P.S. Case No. 124 of 2020, where by the prayer made on

behalf of the appellants for the offence under Sections 341,

323, 307, 504, 506 and 34 of the Indian Penal Code and

Section 3(i)(r)(v) of SC/ST Act, has been rejected.



The appellants are alleged to have assaulted and abused the informant and the members of the prosecution party by taking their caste names.

Learned counsel for the appellants has submitted that an absolutely false and concocted case has been lodged. In fact, the appellants came in possession of the land in question under the Government's policy of providing land to the landless. So is the claim of the informant. Thus it appears, it has been argued, that there is a competing claim over the land said to have been granted under *Parcha* by the Government. It appears from the pleadings as also on going through the F.I.R. that there was a scuffle between the parties with respect to claiming the land in question over which, construction was attempted to be made by one of the parties. It further appears from the pleadings that the appellants themselves are poor persons who have been recipient of Government largess.

In that view of the matter, it has been argued that the appellants are not in a position to abuse the informant or others by taking their caste names for



demeaning them. In fact, the economic destitution of the appellants are even more stark compared to the informant and his associates. Apart from this, it has been submitted that there is no injury report on the record to lend credence to the prosecution version. The provisions contained in the SC/ST (POA) Act has only been added to give a serious colour to the case and prevent the appellants from taking advantage of the provision of anticipatory bail.

Regarding being had to the afore-noted submissions, the order dated 07.09.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST), Bettiah, West Champaran is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of 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 Bairiya P.S. Case No. 124 of
2020.

(Ashutosh Kumar, J)

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