

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.233 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- MUFFASIL District- West Champaran

1. Sanjay Prasad Son Of Late Bhrahmdev Prasad Resident Of Village- Barwat Sena, P.S- Bettiah (MUFASSIL), District-West Champaran
2. Munnilal Prasad Son Of Late Bhrahmdev Prasad Resident Of Village- Barwat Sena, P.S- Bettiah (Mufassil), District-West Champaran
3. Dhamu Prasad Son of Late Bhrahmdev Prasad Resident Of Village- Barwat Sena, P.S- Bettiah (Mufassil), District-West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Gupta, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 447, 504, 506, 420, 406/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant



No.1 agreed to sell a piece of land, but even after taking Rs.10 lacs the appellant No.1 had not registered the land in question in favour of the informant. Appellant Nos.2 and 3 used to support appellant No.1. The appellants also abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The matter relates to civil dispute. The matter has been compromised between the parties vide Annexure 2 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 04.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Bettiah (Mufassil) P.S. case No.190 of 2020, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest



or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Bettiah (Mufassil) P.S. case No.190 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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