

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.214 of 2021

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

1. MUNNI RAM SON OF LATE FULDEO RAM Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
2. Awadhesh Ram Son of Late Fuldeo Ram Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
3. Harendra Ram Son of Late Fuldeo Ram Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
4. Krishna Ram Son of Sri Awadhesh Ram Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
5. Manju Devi W/o Sri Harendra Ram @ Harendra Rai Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
6. Gena Devi W/o Sri Awadhesh Ram Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
7. Krishnawati Devi W/o Sri Munni Ram Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
8. Indrajeet Yadav Son of Late Balkanahi Yadav Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
9. Bhola Yadav Son of late Balkanahi Yadav Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
10. Chhotak Yadav Son of Sri Indrajeet Yadav Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
11. Laxman Sah @ Laxman Yadav Son of Sri Deosharan Sah Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
12. Rajesh Sah Son of Sri Karilal Sah Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
13. Jitendra Sah Son of Sri Shankar Sah Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
14. Sushila Devi W/o Sri Laxman Sah Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
15. Sushila Devi W/o Sri Rajesh Sah Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
16. Manju Devi W/o Sri Hira Partel Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
17. Munna Patel Son of Sri Hira Patel Resident of Village - Murli Bharahwa, P.S.- Gaunaha, Distt.- West Champaran.
18. Awadhesh Ram @ Awadhesh Rai Son of Sri Paras Ram Resident of Village - Bajra, P.s.- Sahodara, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar



... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Spl. P.P.
For the Informant : Mr. Bimlesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellants have challenged the order dated 21.09.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, West Champaran, Bettiah in ABP No. 1497 of 2020 in connection with Gaunaha P.S. Case No. 114/2020 registered for the offences under sections 147, 148, 149, 323, 385, 387, 427, 504, 506/34 of the Indian Penal Code and 3(1)(r)(s)(w) of the 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 the due to land dispute, accused persons, variously armed, demanded extortion and caused injuries to the family members of the informant. The



accused persons also abused the informant by taking caste name.

It has been submitted on behalf of the appellants that the appellant nos. 1 to 7, 14, 15 and 16 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. As far as appellant nos. 1 to 7 are concerned, they themselves belong to the SC/ST category. Hence, no offence under SC/ST Act is attracted against them. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 21.09.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, West Champaran, Bettiah in ABP No. 1497 of 2020 in connection with Gaunaha P.S. Case No. 114/2020, is set aside.

The appeal stands 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 their personal bonds to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Gaunaha P.S. Case No. 114/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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)

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