

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3895 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- GOPALPUR District- West Champaran

1. RAMANAND YADAV, SON OF LATE LAKHAN YADAV RESIDENT OF VILLAGE- SATGARHI, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
2. NOKHLAL YADAV @ NOKHALAL YADAV SON OF RAMANAND YADAV RESIDENT OF VILLAGE- SATGARHI, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
3. MAUSI YADAV @ MUSI YADAV SON OF KANTH YADAV RESIDENT OF VILLAGE- SATGARHI, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
4. DHORAI YADAV @ DHODHAI YADAV SON OF BINDA YADAV RESIDENT OF VILLAGE- SATGARHI, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kr Singh No.1
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Mr. Ajay Kumr Singh No. 1, learned counsel for the appellants seeks permission to withdraw this application with respect to appellant no. 1 who has been arrested during the pendency of this appeal.

The application with respect to appellant no. 1 is dismissed as withdrawn.

The appellant nos. 2 to 4 have challenged the



order dated 05.11.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, in A.B.P. No. 1808 of 2020, arising out of Gopalpur P. S. Case No. 153 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and 3(i)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

The accusation in the F.I.R. is of having assaulted the informant because of his using the public hand-pump/tube well for drinking water.

It has been urged on behalf of the appellants that the accusation is absolutely false and it has been conjured up to defame the appellants. In fact, the appellants own a pond and the informant and his associates used to take out fish from that pond. When that was objected, the present case has been lodged.



There is no injury on the informant and it has been alleged that the accusation is without any substance.

It has also been argued that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

For the afore-stated reasons, the order dated 05.11.2020, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, with respect to appellant nos. 2 to 4, is set aside.

The appellant nos. 2 to 4, 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, in connection with Gopalpur P. S. Case No. 153 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The appeal stands disposed off.

(Ashutosh Kumar, J)

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