

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4055 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- BAIRIYA District- West Champaran

1. AMAR PATEL S/O LATE THAKUR PATEL R/o village- Pokhariya, P.S.- Bairiya, Distt.- West Champaran
2. Abay Patel S/o Amar Patel R/o village- Pokhariya, P.S.- Bairiya, Distt.- West Champaran
3. Babloo Patel S/o Amar Patel R/o village- Pokhariya, P.S.- Bairiya, Distt.- West Champaran
4. Manoj Patel S/o Jawahar Patel R/o village- Pokhariya, P.S.- Bairiya, Distt.- West Champaran

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Anant Kumar Mishra, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Heard learned counsel for the appellants and Ms. Usha Kumari 1, learned Special P.P. for the State.

The appellants in the present case are seeking to set aside the order dated 01.09.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in Bairiya P.S. Case No. 133 of 2021 registered for the offence punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby and whereunder



the prayer for regular bail of the appellants was rejected. The appellants are in custody since 10.08.2021 and they have got no criminal antecedent.

As per the prosecution story, on 27.06.2021, the she-goat of the informant went to the agricultural field of the appellant no. 1 and started grazing maize crops. On this, the appellant no. 1 started abusing the informant and when she objected, then the F.I.R. named accused persons came at her door and appellant no. 3 assaulted her by a sword causing injury on her legs, appellant no. 2 assaulted by fist and slap. The son of the informant, who came to save her, was also assaulted on the head by means of lathi and danda by appellant no. 4. On hearing hulla, nearby persons came and pacified the matter and took the informant and her son to hospital for treatment.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. It is further submitted that the alleged occurrence had taken place on a trivial issue of grazing of maize crops of appellant no. 1 by the she-goat of informant. It is submitted that the injury sustained by the informant and her son are said to be simple in nature.

Ms. Usha Kumari 1, learned Spl. P.P. for the State has



opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the alleged occurrence took place on a trivial issue when the she-goat of the informant was found grazing in the field of the appellants, the allegations being that all the appellants had assaulted the informant and her son, however, the injury report is showing only one simple injury to the informant as well as to her son caused by hard and blunt substance which is not the weapon attributed in the hand of the appellant no. 1, the appellants have remained in jail since 10.08.2021, investigation against them is complete, this Court sets-aside the impugned order and directs release of the appellants above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the 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. 133 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal



antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

