

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.801 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- SAHODARA District- West Champaran

1. RABINDRA YADAV, Son of Sri Mohan Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
2. Sushil Yadav @ Shushil Kumar Yadav Son of Sri Rabindra Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
3. Sujit Yadav @ Sujit Kumar Yadav Son of Sri Rabindra Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
4. Jitendra Yadav Son of Sri Sitaram Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
5. Akash Yadav @ Akash Kumar Yadav Son of Sri Suresh Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
6. Khushipal Yadav @ Khushilal Yadav @ Khushilal Kumar Yadav Son of Sri Chandradeo Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
7. Suresh Yadav @ Suresh Kumar S/o Sri Ramashish Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
8. Mukul Yadav Son of Sri Suresh Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
9. Shailesh Yadav Son of Sri Ramashish Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
10. Dinesh Yadav Son of Sri Ramashish Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
11. Dilip Yadav Son of Sri Shambhu Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
12. Deepak Yadav Son of Sri Shambhu Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
13. Dharmendra Yadav Son of Sitaram Yadav Resident of Village- Domath, P.S.- Sahodara, Distt- West Champaran.
14. Chandradeo Yadav Son of Sri Vriksha Yadav Resident of Village- Domath, 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 : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL ORDER

2 01-07-2021 Heard Mr. Umesh Chandra Verma, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 15.10.2020, passed by the learned 1st Additional Sessions Judge cum the Special Judge, under the SC & ST Act, West Champaran, Bettiah, in A.B.P. No. 1673 of 2020, arising out of Sahodara P. S. Case No. 48 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 379, 384, 420, 447, 504, 506, 307 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the appellants had tried to evict the informant and his sister from the land over which they were residing after



erecting their respective huts. The appellants, it has been alleged, were claiming the land in question as having obtained it by Parcha under the Bihar Privileged Persons Homestead Tenancy Act, 1947.

The members of the prosecution party are said to have been assaulted and abused.

The learned counsel for the appellants has submitted that they are landless people who have been granted land under the beneficial provisions of the Act referred to above. The informant and others do not want to vacate the land and have claimed possession of the same on the basis of their having purchased it from Ramnagar Estate.

There is a counter version of the occurrence as well.

The learned counsel for the appellants has brought on record the copy of the Parchas issued in favour of each of the appellants.

The accusation of insulting the members of the



prosecution party does not appear to be correct but only for the purposes of preventing the appellants from entering into the land which has been given to them by the Government.

The registration of Sahodara P. S. Case No. 49 of 2020 by the appellant no. 2 is illustrative of the fact that the present case is motivated.

The learned Advocate for the appellants, therefore, submits 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.

Regard being had to the afore-stated facts, the order dated 15.10.2020, passed by the learned 1st Additional Sessions Judge cum the Special Judge, under the SC & ST Act, West Champaran, Bettiah, 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 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 Sessions Judge cum the Special Judge, under the SC & ST Act, West Champaran, Bettiah, in connection with Sahodara P. S. Case No. 48 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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