

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.418 of 2021**

Arising Out of PS. Case No.-233 Year-2019 Thana- CHOUTARWA District- West
Champaran

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1. Ramawtar Yadav S/O Late Jagat Yadav Resident Of Village-Hamira, P.S-
Chautarwa, District-West Champaran.
 2. Neuar Yadav S/O Late Jodhan Yadav Resident Of Village-Hamira, P.S-
Chautarwa, District-West Champaran.
 3. Harendra Yadav S/O Neuar Yadav Resident Of Village-Hamira, P.S-
Chautarwa, District-West Champaran.
 4. Suresh Yadav S/O Neuar Yadav Resident Of Village-Hamira, P.S-Chautarwa,
District-West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Gupta
For the Respondent/s : Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State 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.

The appellants have challenged the order dated
18.05.2020 passed by learned 1st Additional Sessions Judge-
cum- Special Judge, West Champaran, Bettiah in ABP No.
540/2020 in connection with Chautarwa P.S. Case No.
233/2019 registered for the offences under sections 323, 341,



447, 448, 379, 504/34 of the Indian Penal Code and 3(i)(r) of the SC/ST 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 accused persons came to the informant and assaulted her by taking caste name.

It has been submitted on behalf of the appellants that the appellants 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. The Investigating Officer after investigation submitted final form against the appellants. The Court below has differed with the said police report and taken cognizance in the present case. No occurrence is said to have 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 18.05.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, West Champaran, Bettiah in ABP No. 540/2020 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 18.05.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, West Champaran, Bettiah in connection with Chautarwa P.S. Case No. 233/2019.

Once the normalcy is restored, the appellants shall 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)

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