

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.694 of 2021

Arising Out of PS. Case No.-405 Year-2020 Thana- BAGHA District- West Champaran

1. JAY NARAYAN RAM Son of Late Bhishnu Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
2. RAKESH KUMAR @ RAKESH RAM Son of Satan Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
3. AKHILESH RAM Son of Jay Narayan Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
4. DINESH RAM Son of Late Shankar Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
5. NANDAN RAM Son of Late Shankar Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
6. BHUSHAN RAM Son of Rudal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
7. CHANDESHWAR RAM Son of Rudal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
8. JITENDRA RAM Son of Rudal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
9. SIKANDAR RAM Son of Rudal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
10. SATRUDHAN RAM Son of Chhotelal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
11. SANDEEP RAM Son of Chhotelal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, District - West Champaran.
12. HARINDRA RAM Son of Chhotelal Ram Resident of Village - Sojhi Ghat Bankatwa, P.S. Bagha, 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 : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021

Heard through virtual mode.

A Mentioning-Slip has been filed on behalf of learned



counsel for the appellants for withdrawal of the present appeal in respect of appellant nos. 1, 2, 3, 4, 7, 8, 9 and 11. The same be kept on record.

Learned counsel for the appellants seeks permission of the Court to withdraw the present appeal as during the pendency of appeal, appellant nos. 1, 2, 3, 4, 7, 8, 9 and 11 have been taken into judicial custody and, as such, the appeal in respect of appellant nos. 1, 2, 3, 4, 7, 8, 9 and 11 has become infructuous.

Permission is accorded.

The appeal is dismissed as withdrawn in respect of appellant nos. 1, 2, 3, 4, 7, 8, 9 and 11.

Heard learned counsel for the appellant nos. 5, 6, 10 and 12 and learned counsel for the State.

The appellant nos. 5, 6, 10 and 12 have challenged the order dated 15.10.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, West Champaran, Bettiah in ABP No. 1597 of 2020 in connection with Bagha P.S. Case No. 405 of 2020 registered for the offences under sections 147, 149, 341, 342, 323, 307, 354, 504, 506 of the Indian Penal Code and 3(i)(r)(s), 3(2)(Va) of the SC/ST Act whereby the prayer made on behalf of the appellant nos. 5, 6, 10 and 12 for grant of



anticipatory bail has been rejected.

Prosecution allegation, in short, is that on a dispute over planting trees, the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the appellants that the appellant nos. 5, 6, 10 and 12 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant nos. 5, 6, 10 and 12. The appellant nos. 5, 6, 10 and 12 have falsely been implicated in the present case. General and omnibus allegation has been made against the appellant nos. 5, 6, 10 and 12. No specific overt act is alleged against the appellant nos. 5, 6, 10 and 12. The injury on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. 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 appellant nos. 5, 6, 10 and 12 are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 15.10.2020 passed by learned 1st Additional Sessions Judge -cum- Special



Judge, West Champaran, Bettiah in ABP No. 1597 of 2020 in connection with Bagha P.S. Case No. 405 of 2020 by which the anticipatory bail of the appellant nos. 5, 6, 10 and 12 was rejected.

Let the appellant nos. 5, 6, 10 and 12 above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, West Champaran, Bettiah in connection with Bagha P.S. Case No. 405 of 2020.

The appeal stands allowed in respect of appellant nos. 5, 6, 10 and 12.

(Sudhir Singh, J)

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