

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.880 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- GAUNAHA District- West Champaran

1. Chhotak Yadav, about 30 Y/M, S/O Sri Indrajeet Yadav, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
2. Indrajeet Yadav, about 50 Y/M, S/o Late Balkanahi Yadav, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
3. Bhola Yadav, about 35 Y/M, S/o Late Balkanahi Yadav, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
4. Munna Patel, about 35 Y/M, S/o Sri Hira Patel, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
5. Subodh Patel, about 24 Y/M, Son of Sri Hira Patel, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
6. Hira Patel, about 55 Y/M, Son of Late Amola Patel, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
7. Munna Soni, about 35 Y/M, Son of Sri Late Prabhu Nath Prasad, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
8. Laxman Sah, about 38 Y/M, S/O Sri Deosharan Sah, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
9. Deosharan Sah, about 58 Y/M, Son of Late Mathura Sah, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
10. Rajesh Sah, about 35 Y/M, S/o Sri Karilal Sah, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
11. Karilal Sah, about 60 Y/M, S/o Late Raghuvir Sah, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.
12. Jitendra Sah, about 30 Y/M, Son of Sri Shankar Sah, Resident of Village- Murli Bharahwa, P.S.- Gaunaha, Dsitt- West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Umesh Chandra Verma, Advocate.
For the Respondent	:	Mr. A.G.
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 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 from the date of restoration of normalcy.

Learned counsel for the appellants seeks permission to withdraw the present criminal appeal for grant of anticipatory bail filed on behalf of appellant no. 8, namely, Laxman Sah, in connection with Gaunaha P.S. Case No. 101 of 2020, pending in the court of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah.

Permission is accorded.

Accordingly, the present criminal appeal for grant of anticipatory bail filed on behalf of appellant no. 8, namely, Laxman Sah, is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellant nos. 1 to 7 and 9 to 12, registered for the offences under Sections 341, 323, 324, 379, 354(B), 427, 504, 506/34 of the I.P.C. and 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 17.08.2020 due to land dispute, appellant and other co-accused came armed with *Axe* and started cutting the *Fush house* of the informant. When she and her husband raised objection, accused assaulted



on the head of her husband causing head injury. When her family members came to rescue them then the accused by taking their castes name also assaulted them. They also took gold, silver, utensils, Mangalsutra, payal etc., from her house and cash of Rs. 21,000/- and also misbehaved with the female inmates of the house.

It has been submitted on behalf of the appellants that the appellant nos. 4, 5, 6, 7, 9 and 11 have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. No grievous injury is said to have been caused by them in course of occurrence to the victims. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant nos. 1 to 7 and 9 to 12 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21.09.2020, passed in A.B.P. No. 1494 of 2020, arising out of Gaunaha P.S. Case No. 101 of 2020 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah, is set aside only in respect of appellant nos. 1 to 7 and 9 to 12. The criminal appeal is allowed in respect of



appellant nos. 1 to 7 and 9 to 12.

Let the appellant nos. 1 to 7 and 9 to 12 above named, (except appellant no. 8, namely, Laxman Sah,) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah, in connection with Gaunaha P.S. Case No. 101 of 2020.

Once the normalcy is restored, the appellant nos. 1 to 7 and 9 to 12 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each 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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