

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.784 of 2021

Arising Out of PS. Case No.-147 Year-2019 Thana- SIKARPUR District- West Champaran

1. PRADEEP YADAV S/o Suresh Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
2. Jay Prakash Yadav S/o Raghunath Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
3. Sheo Shankar Yadav S/o Mahanth Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
4. Kamlesh Yadav S/o Suresh Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
5. Suresh Yadav S/o Mahanth Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
6. Mahanth Yadav S/o Late Baldev Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
7. Sheonath Yadav S/o Late Baldev Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
8. Sandeep Yadav S/o Sheo Shankar Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
9. Munna Yadav @ Angad Yadav S/o Late Baleshwar Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.
10. Raghunath Yadav S/o Late Baldev Yadav Resident of Village- Siswa, P.S.- Shikarpur, Distt- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar- Advocate
For the Informant	:	Mr. Dhananjay Kumar No.2- Advocate
For the State	:	Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Sanjeev Kumar, the learned Advocate for the appellants, Mr. Dhananjay Kumar No.2, the learned Advocate for the informant and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.



The appellants have challenged the order dated 12.10.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Shikarpur P. S. Case No.147 of 2019, instituted for the offences under Sections 448, 427, 504, 506 of the Indian Penal Code and Section 3(1-RS), of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It is alleged in the F.I.R. that the appellants and others have threatened, abused and assaulted the informant for his having constructed his house in front of the house of the appellants.

The learned Advocate for the appellants has submitted that while constructing his house the informant has encroached some bit of the land of the appellants. When protest was made, a scuffle took place, leading to the registration of the subject F.I.R.

From a bare reading of the F.I.R. as also from the attendant circumstances, it is argued that the dispute lies somewhere else but this case has been lodged for ulterior purposes.



The learned Advocate for the informant however has submitted that in view of the accusation in the F.I.R. the offence under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is squarely made out.

From the perusal of the materials in this case, it does not appear to be a case of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. There is a dispute between two neighbours with respect to demarcation of the boundary.

Regard being had to the afore-noted reasons, the order dated 12.10.2020, referred to above, is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Shikarpur P. S. Case No.147 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



(Ashutosh Kumar, J)

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