

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.775 of 2021**

Arising Out of PS. Case No.-135 Year-2019 Thana- NAUTAN District- West Champaran

BHIKHARI PRASAD VERMA @ CHANDAN KUMAR @ CHANDAN
VERMA Son of Late Kedar Prasad Resident of Village-Khadda Kujlahi, P.S.-
Nautan, District-West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 30-06-2021 Heard Mr. Sanjeev Kumar, learned counsel for

the appellant and Mr. Sadanand Pasawan, learned Special

P.P. for the State.

The appellant has challenged the order dated
09.10.2020 passed by the learned 1st Additional District &
Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West
Champaran, in A.B.P. No. 1881 of 2020 arising out of
Nautan P.S. Case No. 135/2019, whereby the prayer made
on behalf of the appellant for grant of anticipatory bail for
the offences under Sections 341, 323, 379, 504 and 34 of
the Indian Penal Code and under Section 3(1)(r)(f)/3(2)(va)
of SC/ST (POA) Act has been rejected.



The appellant and another are alleged to have taken the informant in an orchard and with the help of two other persons and assaulted him. They also divested him of his personal belongings. He was abused by taking his caste name.

Learned counsel for the appellant has stated that an absolutely false case has been instituted against him and others. In fact, the appellant and the informant are not only the co-villagers but are neighbours as well. A dispute had arisen over the issue of plucking of mangoes and such trivial dispute has been given a serious colour by alleging that he was insulted at the hands of the accused persons.

Considering the afore-stated facts, the appeal of some of the other accused persons have been allowed by a Bench of this Court. It is urged on behalf of the appellant that no offence under SC/ST (POA) Act can at all be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 09.10.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West



Champaran is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Nautan P.S. Case No. 135/2019.

(Ashutosh Kumar, J)

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