

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5653 of 2019

Arising Out of PS. Case No.-79 Year-2017 Thana- MAINATAND District- West Champaran

1. JAWAHIR SAH @ JAWAHIR SAH GOND S/o Late Shukdeo Sah @ Sukdeo Gond Resident of Village- Singhpur, P.S. Mainatand, Dist- West Champaran
2. Raju Prasad S/o Krishna Prasad Resident of Village- Singhpur, P.S.- Mainatand, Dist.- West Champaran
3. Ramakant Mahato @ Ramakant Prasad Son of Jokhu Mahato Resident of Village- Belwa Tola, Dist- West Champaran
4. Ramadhar Mahato Son of Late Chaudhar Mahato Resident of Village- Pakahwa, P.S.- Mainatand, District- West Champaran
5. Ramchandra Mahato S/o Late Chaudhar Mahato Resident of Village- Pakahwa, P.S.- Mainatand, District- West Champaran
6. Jageshwar Yadav Son of Buni Yadav Resident of Village- Pakahwa, P.S.- Mainatand, West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-04-2021 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 18.10.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, West Champaran at Bettiah in ABP No.



2471 of 2019 in connection with Mainatand P.S. Case No. 79 of 2017 registered for the offences under sections 341, 323, 504, 506 and 34 of the Indian Penal Code and 3(i)(r)(s) of SC/ST (Prevention of Atrocities) 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 field and started abusing the informant by taking caste name and also fired at him due to which he fell down.

It has been submitted on behalf of the appellants that the appellant no. 6 has 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. There is a case and counter case between the parties. A free fight is alleged to have taken place. General and omnibus allegation has been made against the appellants. After investigation, the police had found the case to be false. The Court below has differed with the police report and taken cognizance. 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, this Court is inclined to set aside the order dated 18.10.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, West Champaran at Bettiah in ABP No. 2471 of 2019 by which the anticipatory bail of the appellants was rejected.

Let the appellants 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 at Bettiah in connection with Mainatand P.S. Case No. 79 of 2017.

The appeal stands allowed.

(Sudhir Singh, J)

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