

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1680 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Prabhu Yadav Son Of Jaksan Yadav R/O Narkatiya Ps- Purshottampur District- West Champaran
 2. Rajeshwar Yadav Son Of Late Mahanth Yadav R/O Narkatiya Ps- Purshottampur District- West Champaran
 3. Anita Devi W/O Prabhu Yadav R/O Narkatiya Ps- Purshottampur District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheshnath Yadav Harinarian Yadav Resident of Village-Narkatiya,P.S- Purshottampur,District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2022 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.10.2020, passed by learned Additional District and Sessions Judge 1st -cum-Special Judge, Bettiah, West Champaran in connection with Purshottampur P.S. Case No. 46 of 2019, registered under Sections 147, 148, 149, 341, 323, 379, 337, 327, 387, 447, 448, 427, 324, 325 of the IPC and Sections 3(i) (r) of SC/ST Act.



It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the injury found upon the victim is simple in nature. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name as such, no case under SC/ST Act is made out against them. He further submits that appellants have one criminal antecedent as stated in para-3 of this appeal.

However, learned Spl. PP for the State and learned counsel for the respondent no. 2 vehemently oppose the prayer for bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1-cum-Special Judge, Bettiah, West Champaran in connection with Purshottampur P.S. Case No. 46 of 2019, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and
the appeal is allowed.

(Anjani Kumar Sharan, J)

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