

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1676 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- RAMGARHWA District- East Champaran

1. SANTOSH KUMAR YADAV Son of Jagat Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
2. Chanchal Yadav Son of Sonalal Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
3. Brajesh Kumar Yadav @ Brajesh Yadav @ Brijesh Yadav Son of Sanalal Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
4. Yodha Yadav Son of Late Baidhnath Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
5. Jagat Yadav Son of Late Deo Nandan Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
6. Bhutta Yadav @ Chandra Kishore Yadav Son of Late Baidhnath Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.
7. Mukesh Yadav Son of Sonalal Yadav Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Das Son of Kunwar Balak Das, Resident of Village - Lakshumanwa, P.S.- Ramgarhwa, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhurendra Kumar
For the Respondent/s	:	Mr.Sadanand Paswan
		Ms. Ranjana Srivastava

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 06-09-2022 The learned counsel for the appellants is directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants. None
appeared on behalf of the informant.

At the very outset, the learned counsel for appellants has



submitted that **this appeal in respect of appellant no. 8 has already been dismissed as withdrawn on 29.08.2022.**

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 12.04.2022 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 88 of 2022 registered for offence punishable under sections 341, 342, 379, 504, 147, 148 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, eleven named accused persons, including the appellants equipped with *lathi, bhala, farsa* etc. came to the house of Hari Narayan Das. They abused him by calling his caste name and appellant no. 5 assaulted him with iron rod.

The learned counsel for the appellants has submitted that there is case and counter case. The appellants are the persons of clean antecedents. There is no injury on the person of Hari Narayan Das and there is civil dispute between the parties. He has submitted further that the father of Hari Narayan Das has executed a sale deed in favour of the father of appellant no. 5. After



execution of the sale deed, it was detected that the land was not belonging to the father of Hari Narayan Das. When appellant no. 5 asked about that fact, the informant falsely implicated them in this case.

Admittedly there is land dispute between the parties and the appellants are the persons of clean antecedents, as such, the appeal is allowed and the impugned order dated 12.04.2022 is set aside.

Accordingly, **appellant nos. 1 to 7**, in the event of arrest or surrender before the court below within four weeks from today, **are directed to be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 88 of 2022.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/Nirmal

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