

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1977 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- MUFFASIL District- West Champaran

1. Brijesh Kumar @ Brijesh Prasad S/o Jangbahadur Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
2. Akhilesh Prasad S/o Jangbahadur Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
3. Awadhesh Prasad @ Awadesh Prasad S/o Jangbahadur Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
4. Dinesh Prasad S/o Jangbahadur Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
5. Bhola Prasad S/o Late Badrinarayan Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
6. Sanjay Kumar @ Sanjay Prasad S/o Late Badrinarayan Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
7. Rajan Prasad @ Rajan Kumar S/o Bhola Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
8. Jangbahadur Prasad S/o Late Gopal Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.
9. Santosh Kumar S/o Vinay Prasad Resident of Village-Chhoraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Hari Ram S/o Langar Ram Resident of Village-Chhauraha, Ward No.-03, P.S.-Bettiah (M), District-West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2022 Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the appellants, learned



counsel appearing on behalf of the informant as well as learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 26.04.2022 in A.B.P. No. 1014 of 2022 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, (SC & ST), West Champaran at Bettiah in connection with Bettiah (M) P.S. Case No. 162 of 2022 registered under Sections 147, 148, 149, 341, 323, 324, 379 of the Indian Penal Code and Sections 3(i)(r)(s)(g)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 01.03.2022 at about 4:30 P.M. the informant was speaking about so called purchased land and its document of his claim in the village Panchayati then all the accused persons came with arms and started abusing him in the name of caste Chamar, on protest of the informant the accused persons started marpit with lathi, iron rod, barchi to the informant, his brother and other family members. The co-accused Abhay Prasad is alleged to have taken away cash of Rs. 5000/- from the pocket of his brother



Chhoteland Ram.

Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that there is admitted land dispute in view of the Apex Court judgment, no case is made out under the SC/ST Act. He further submits that there is general and omnibus allegation against all the accused persons but there is specific allegation against the appellant no. 1 that he assaulted the informant but the injury report suggests that the injury is simple in nature and due to land dispute between the parties the present F.I.R. has been instituted against the appellants only to harass them.

Learned counsel appearing for the informant as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for anticipatory bail of the appellants and submits that there is direct allegation of assault against the appellant no. 1.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a



period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bettiah (M) P.S. Case No. 162 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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