

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4007 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- BHANGHA District- West Champaran

1. KUMARI DEVI Wife of Late Govind Prasad Resident of village - Rampur,
P.S.- Bhangaha, District- West Champaran.
2. Yogendra Yadav Son of Late Ganga Yadav Resident of Village- Chauhatta,
P.S.- Manpur, District- West Champaran. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 08-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants and the learned counsel for the informant as well as the learned Special Public Prosecutor for the State.

At the outset, the learned counsel for the appellants has submitted that on 30.06.2022, it was submitted that the appellant no. 5 was arrested and a prayer was made to withdraw this anticipatory bail petition in respect of appellant no. 5, but due to typographical mistake, the anticipatory bail petition in respect of appellant no. 3 has been dismissed as withdrawn in place of appellant no. 5.

Let it be corrected.



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 09.08.2021 passed in A.B.P. No. 1337 of 2021, arising out of Bhangaha P.S. Case No. 20 of 2021 registered for offence punishable under sections 420, 467, 468, 471, 506/34 of the Indian Penal Code and sections 3 (1) (r) (g) and 3 (2) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, despite the fact that the informant was holding *parcha* in respect of land in question, the said land was transferred by appellant no. 1, Awadhesh Prasad in favour of appellant no. 4, Yogendra Yadav and others.

The learned counsel for the appellants has submitted that appellant no. 4, Yogendra Yadav is a bona fide purchaser and appellant no. 3, Kumari Devi is an attesting witness of the sale deed. He has submitted further that it is a case of pure civil dispute and the provisions of SC/ST Act do not attract in this case.

In reply, the learned counsel for the informant has submitted that the cognizance has been taken in this case. He has submitted further that after cognizance, the anticipatory bail



petition is not maintainable.

Considering the above-mentioned facts and circumstances, the above named **appellants, namely, Kumari Devi and Yogendra Yadav are directed to surrender** before the court below and make a prayer for regular bail. Their regular bail petition shall be disposed of on the same day on its own merit without being prejudiced by this order.

With these observations, this appeal is disposed of.

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)

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