

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4622 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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1. MUKESH YADAV S/o Bhair Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 2. Anil Yadav S/o Sheo Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 3. Sheo Yadav S/o Late Harihar Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 4. Suresh Yadav S/o Bhair Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 5. Harikesh Yadav @ Harkesh Yadav S/o Sheo Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 6. Sabita Devi W/o Sheo Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.
 7. Bhair Yadav S/o Late Harihar Yadav Resident of Village- Bhediharwa, P.S.- Bairiya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2022 Heard the counsel for the appellants and learned Spl.P.P.
for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

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 anticipatory bail vide order dated 08.10.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T., Bettiah, West Champaran in connection with Bettiah Sadar P.S. Case No. 30 of 2021 registered under sections 341, 323, 324, 379, 427, 504, 506/34 of the Indian Penal Code and 3(1),(r),(s)(ii)(V-a)S.C./S.T. (POA) Act.

Allegedly, the appellants along with other accused persons abused the informant by taking caste name and objected to the ploughing of land by him. It is further alleged that the appellants also assaulted the informant by means of lathi and iron rod as a result of which he sustained injuries.

Learned counsel for the appellant submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that there is a land dispute between the parties. There is an unexplained delay of about 19 days in lodging the F.I.R. There is a case and counter-case between the parties. He further submitted that no offence under the SC/ST Act is made out against the appellants as the informant belongs to the '*Lohar*' caste and the Apex Court vide judgment



passed in the case of ***Sunil Kumar Rai & Ors. Vs. The State of Bihar & Ors.*** passed in ***Writ Petition (Civil) No.1052 of 2021***, has set aside the notification of the State Government, in which 'Lohar' was kept in the category of SC/ST. The appellants have no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

Learned Spl.PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since the category lohar does not belongs to the SC/ST category, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum Special Judge, S.C./S.T., Bettiah, West Champaran in connection with Bettiah Sadar SC/ST P.S. Case No. 30 of 2021, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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