

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4189 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. CHANDRA DEV YADAV @ CHANDRADEV YADAV @ CHANDAR DEV YADAV Son of Bhulli Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 2. Ranjeet Yadav Son of Seth Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 3. Rajendra @ Rajendra Kumar Gond @ Rajendra Sah @ Rajendra Kumar Gond (Sah) Son of Late Baliram Sah Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 4. Nathu Yadav Son of Fari Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 5. Chote Lal Yadav Son of Brahmadev Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 6. Surendra Yadav Son of Late Deep Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 7. Ram Chandra Yadav Son of Late Deep Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 8. Lalan Yadav Son of Chandrardev Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.
 9. Rameshwar Yadav Son of Chandrardev Yadav Resident of Tumkariya, P.S.- Shikarpur, Dist.- West Champaran.

... .. Appellants.

Versus

1. The State of Bihar Bihar
2. Gulbadan Devi Wife of Lalji Paswan R/O-Tumkariya ,Ward No.-01,P.S.- Shikarpur,District-West Champaran

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-01-2022 Heard learned counsel for the appellants 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 51 of 2018 registered under Sections 447, 341, 342, 323, 379, 354, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (w) (ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that after investigation police has submitted final form against the appellant but the learned Court below differing with final form has taken cognizance against the the appellants. It is also submitted that a compromise has entered into between the parties. Appellants have no criminal antecedent.

Learned Spl. PP for the State vehemently opposing



the prayer for bail submitted that cognizance has been taken against the appellants by the learned Court below. Hence, in view of the decision rendered by the Hon'ble Apex Court in the case of **Bachu Das Vs. State of Bihar and others** since reported in **(2014) 3 Supreme Court Cases 471**, the prayer for anticipatory bail is not maintainable.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail.

However, the appellants are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below is directed to consider the prayer of the appellants on the same day, especially considering the fact that a compromise has entered into between the parties.

With the aforesaid observation and direction, this appeal stands disposed of.

(Anjani Kumar Sharan, J)

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