

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1056 of 2021**

Arising Out of PS. Case No.-23 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. GAURI YADAV Son of Rameshwar Yadav Resident of Village - Akrhiya,
P.S.- Chanpatiya (Sirsia), Dist.- West Chamaparan, Bettiah
 2. Rameshwar Yadav Son of Late Chaturi Yadav Resident of Village - Akrhiya,
P.S.- Chanpatiya (Sirsia), Dist.- West Chamaparan, Bettiah

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh

For the Respondent/s : Ms.Usha Kumari 1

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

ORAL ORDER

3 04-02-2023 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 as well as the

learned Special Public Prosecutor for the State.

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 17.03.2020 passed by the learned

Additional District and Sessions Judge-1st-cum-Special-Judge

SC/ST POCSO Bettiah, West Champaran, in T.R. No. 148 of

2017, arising out of Bettiah SC/ST P.S. Case No. 23 of 2017,



registered for offence punishable under sections 447, 341, 323, 504, 506 of the Indian Penal Code and sections 3 (i) (r) (ii) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons were constructing a house over the land of the informant. On protest, they abused the informant by calling his caste name. The specific allegation against petitioner no. 1 is that he inflicted *garasa* blow on the grandson of the informant.

The learned counsel for the appellants has submitted that the FIR shows itself that the genesis of occurrence is due to land dispute and not due to the malicious feelings of caste. There is land dispute between the parties and the injuries are simple in nature.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 17.03.2020 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned learned Additional District



and Sessions Judge-1-cum-Special-Judge SC/ST POCSO
Bettiah, West Champaran in connection with T.R. No. 148 of
2017, arising out of Bettiah SC/ST P.S. Case No. 23 of 2017.

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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