

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.528 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- PAHARPUR District- East Champaran

1. BULET YADAV @ BULAT KUMAR YADAV S/O BIRENDRA YADAV Resident of Village- Khairva Choubey Tola, P.S.- Malahi, District- East Champaran.
2. MAHESH YADAV S/O SURENDRA YADAV Resident of Village- Khairva Choubey Tola, P.S.- Malahi, District- East Champaran.
3. JANAK YADAV S/O LATE BISHUNI YADAV @ BISHUNI RAUT Resident of Village- Khairva Choubey Tola, P.S.- Malahi, District- East Champaran.
4. SURENDRA YADAV S/O JANAK YADAV Resident of Village- Khairva Choubey Tola, P.S.- Malahi, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. ANCHITA DEVI W/O TRILOKI RAM Resident of Village- Khairva Choubey Tola, P.S.- Malahi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jainendra Kumar Pushkar
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 15.03.2023 but nobody appeared on behalf of the respondent no.2.

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 12.10.2022 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Paharpur (Malahi) P.S. Case No. 128/2022, registered under Sections 147, 148, 149, 341, 323, 354(B), 427, 447, 448, 379, 380, 363, 364 and 504 of the Indian Penal Code and Section 3 (i)(r)(s)(z)w(i), 3(2)(v) 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. There is admitted land dispute between the parties and a title suit bearing no.26/2021 has been filed by the appellant no.3 which is pending before the Sub-Judge I at Areray, District Motihari. He relied upon the judgment of the Hon'ble Apex Court passed in the case of '*Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*'. Appellants have got one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.



In the nature of the offence and the judgment of the Hon'ble Apex Court passed in the case of '*Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*', let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Paharpur (Malahi) P.S. Case No. 128/2022, 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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