

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.487 of 2023

Arising Out of PS. Case No.-64 Year-2018 Thana- GAUNAHA District- West Champaran

1. LALJEE YADAV @ LALJEE PRASHAD YADAV Son of Kishundeo @ Kishandeo Yadav @ Kishun Yadav R/v- Bairiya, P.S.- Sahodara, Dist- West Champaran
2. SARVJIT RAM @ SARBJIT RAUT Son of Late Kuwar Raut @ Late Kumar Ram R/v- Sithi, P.S.- Gaunaha, Dist- West Champaran
3. ANIL GUPTA Son of Late Nagina Sah R/v- Madhopur, P.S.- Gaunaha, Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. GAJADHAR RAM Son of Late Jag Ram R/v- Madhopur, P.S.- Gaunaha, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-07-2023 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 10.11.2022 in A.B.P. No. 3114 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Gaunaha P.S. Case No. 64 of 2018 registered for the offences punishable



under Sections 147, 148, 149, 186, 341, 323, 332, 353, 427, 431 and 504 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

3. Learned Spl. P.P. submits that in compliance of the order dated 18.05.2023, the Superintendent of Police of the concerned district was informed that the presence of the informant is required in the case.

4. The notice is deemed to be validly served.

5. No one appears on behalf of the informant.

6. The informant alleges that on 17.06.2018 at about 09:00 AM, he saw named 12 named and about 100 unknown persons having blocked the Narkatiyaganj Gaunaha road, it is further alleged that informant requested them to remove the blockade since there was a programme of Hon'ble Minister at Manguraha upon which Laljee Prasad (Appellant No. 1) abused him when in the meantime, a police vehicle came and the accused persons started abusing and raising slogans against the administration and also pelted stones and lathi over the police vehicle, it is further alleged that informant and constable Sujeet Kumar sustained injuries and the police vehicle was damaged and thereafter on the assurance of the Inspector the blockade was removed.



7. The learned counsel for the appellants submits that appellant no. 1 has antecedent of six cases, appellant no. 2 has antecedent of seven cases and appellant no. 3 is a person with clean antecedent. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the same is general and omnibus in nature, it is next submitted that the informant does not even remotely suggest that the abuse hurled by the appellant no. 1 was hurled by someone also. It is next submitted that informant being chowkidar has falsely implicated the appellants for the reason that they were creating road blockade when there was programme of the Minister.

8. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

9. In view of the submissions made by the learned counsel for the appellants, the order dated 10.11.2022 in A.B.P. No. 3114 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Gaunaha P.S. Case No. 64 of 2018 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of



six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaunaha P.S. Case No. 64 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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