

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.811 of 2022

Arising Out of PS. Case No.-602 Year-2020 Thana- MUFFASIL District- West Champaran

-
1. KAILASH YADAV Son of Late Veera Yadav Resident of Village- Chargaha, P.S.- Bettiah Mufassil, District- West Champaran, Bihar.
 2. Vijay Yadav Son of Kailash Yadav Resident of Village- Chargaha, P.S.- Bettiah Mufassil, District- West Champaran, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Himachal Ram Son of Late Dharshan R/o vill- Chargaha, P.O P.S.- Muffasil Bettiah, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikas Ratan Bharti
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 27-04-2023 Despite valid service of notice on respondent no.2, he did not appear.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This appeal has been preferred against the order dated
15.12.2021 passed by learned 1st Additional Sessions Judge
-cum-Special Judge (SC/ST Act), West Champaran at Bettiah in
A.B.P. No.2269 of 2021 arising out of Bettiah Mufassil P.S.
Case No.602 of 2020 registered under Sections 341, 323, 324,



307 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that the F.I.R. has been lodged after one week of the alleged occurrence. It is a counter blast of Bettiah Mufassil P.S. Case No.417 of 2020 (Annexure 2) earlier filed by the son of appellant no.1 against the informant and his family members.

Considering the aforesaid facts and submissions made by the parties, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be released on 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 1st Additional Sessions Judge -cum-Special Judge (SC/ST Act), West Champaran at Bettiah in A.B.P. No.2269 of 2021 arising out of Bettiah Mufassil P.S. Case No.602 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



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

(Arvind Srivastava, J)

Harish/-

U		T	
---	--	---	--

