

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2190 of 2023

Arising Out of PS. Case No.-213 Year-2021 Thana- HARSIDHI District- East Champaran

1. Rajan Yadav Son Of Late Surya Yadav Resident Of Village- Gadupur, P.S.- Harsidhi, District- East Champaran
2. Narsingh Yadav @ Nargis Yadav Son Of Late Surya Yadav Resident Of Village- Gadupur, P.S.- Harsidhi, District- East Champaran
3. Upendra Kumar Yadav @ Upendra Kumar Son Of Rajan Yadav Resident Of Village- Gadupur, P.S.- Harsidhi, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Chandra Das Son Of Raghuvir Das Resident Of Village- Gadupur, P.S.- Harsidhi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhurendra Kumar
For the State	:	Mr. Sadanand Paswan
For the Respondent no. 2:	:	Mr. Abhishek Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 08.10.2021 passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 213 of 2021



registered under Sections 341, 323, 324, 354, 307, 379, 504, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other accused persons, by forming unlawful assembly, have abused and assaulted the informant's side.

4. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that there is case and counter case between the parties and both sides have sustained injuries. He further submits that there is specific allegation against co-accused Himanshu Ranjan Yadav, who assaulted Madhuri Devi and the injury was found grievous in nature. He also submits that Batai Case No. 08 of 1998-1999 is pending before the Circle Officer, Harsidhi, District- East Champaran, in which the informant claimed title over the land of the appellants as he was under raiyat of the said property. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for respondent no. 2 opposed the payer for bail but



fairly submitted that the author of the grievous injury is co-accused, Himanshu Ranjan Yadav.

6. Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 213 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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