

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2324 of 2022

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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1. JALESHWAR YADAV Son of Rajendra Yadav Resident of village Sansaraiya P.S.- Bettiah (M) District- West Champaran.
 2. Umakant Yadav Son of Late Mahanth Yadav Resident of village- Sansaraiya, P.s.- Bettiah (M), District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Dhanai Paswan Son of Chengari Paswan Resident of village- Khanda Pathari, P.s.- Nautan District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Bashisth Narain Mishra, Advocate Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Anant Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 21-02-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 of anticipatory bail vide order dated 29.04.2022, passed by learned Additional District & Sessions Judge-1st-cum-Special Judge (SC& ST), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.06



of 2019, registered under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(w), (ii)(g)(v-a) of the SC/ST Act.

The appellants are said to have abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellant no.1 has got one criminal antecedent and appellant no.2 has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is admitted land dispute between the parties, which is clear from the FIR itself. It is submitted that niece of the informant had sold the said land to the appellants. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand & Anr.*, reported in **2020 (10) SCC 710**. It is also submitted that the occurrence took place on 23.01.2019, but the FIR was lodged on 09.02.2019, after delay of more than 15 days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for grant of



anticipatory bail to the appellants by submitting that there is specific allegation against the appellants that they abused the informant by naming his caste.

Considering the fact that there is delay in lodging the FIR and the fact that there is admitted land dispute between the parties, let appellants, above named, 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 Additional District & Sessions Judge-1st-cum-Special Judge, (SC & ST), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.06 of 2019, subject to the conditions 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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