

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4445 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- BHANGHA District- West Champaran

Yogendra Yadav S/O Late Ganga Yadav R/O- Kamlanagar (Chauhatta), P.S.-
Manpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jainathi Devi W/O Jairam Prasad R/V- Rampur, P.S.- Bhangha, District-
West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Chaudhary, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-07-2023 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel for the informant

on point of admission and on merit also.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 01.12.2022 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, (SC/ST), Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 20 of 2021 registered under Sections 420, 467, 468, 471 and 506/34 of the Indian Penal Code and Section 3(1)(r)(g) and 3(2) (va) of SC/ST Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 02.05.2023, about the present Court proceedings, where informant failed to join the present proceedings.

5. Appellant is named in the F.I.R. and is in custody since 11.10.2022.

6. The allegation against the appellant is to cheat informant alongwith other co-accused persons by way of forged and fabricated document and to sale out total land measuring about 12 katha, khata no.61, khesra no. 289 and also from khesra no.388.

7. Learned counsel for the appellant submitted that appellant himself is the victim of the circumstances as he is the purchaser of the land, which was purchased by him after paying due consideration amount. It is also submitted that similarly situated co-accused, namely Hazrat Mian, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 4884 of 2021 vide order dated 08.09.2022. It is also pointed out that even seller of the land, namely Awadhesh Prasad and Rabbi Kumar Subba,



have already been granted bail by one of the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 93 of 2022 vide order dated 28.07.2022. It is also submitted that nothing surfaced from the bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant altogether involved in nine more cases of similar nature, where five cases is with same informant and four cases by his relative which only suggests previous enmities between the parties and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. appearing on behalf of State duly assisted by the learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that appellant actively participated in the present occurrence and he



is a habitual offender.

10. In view of the facts and circumstances, as mentioned above and by taking note of the facts as appellant is purchaser of the disputed land, where several litigations are pending between the parties coupled with the fact, that charge-sheet has already submitted, where appellant is in custody since 11.10.2022, accordingly the appellant, above named, is directed to be released on bail in connection with Bhangaha P.S. Case No. 20 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-SC/ST Court, Buxar/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 01.12.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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