

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4523 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- JOGAPATTI District- West Champaran

1. MANOJ KUSHWAHA S/O DHODHA MAHTO R/O VILLAGE- DARWALIA, P.S- YOGAPTTI, DISTT.- WEST CHAMPARAN.
2. JITENDRA MISHRA @ JITAN MISHRA @ JITAN KUMAR MISHRA S/O RUKMAN MISHRA R/O VILLAGE- DARWALIA, P.S- YOGAPTTI, DISTT.- WEST CHAMPARAN.
3. PRINCE MISHRA @ PUNU MISHRA @ PRINCE KUMAR S/O PAWAN MISHRA R/O VILLAGE- DARWALIA, P.S- YOGAPTTI, DISTT.- WEST CHAMPARAN.
4. LALDEO MISHRA @ LUDDU MISHRA @ LADDU MISHRA S/O MANIRKA MISHRA R/O VILLAGE- DARWALIA, P.S- YOGAPTTI, DISTT.- WEST CHAMPARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. KIRAN DEVI W/O BINOD BAITHA R/O VILLAGE- DARWALIA, P.S- YOGAPTTI, DISTT.- WEST CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhaskar Shankar, Adv.
For the Informant	:	Mr. Anant Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.pp

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 24.08.2023 passed by the learned



Additional Sessions Judge-1st, Bettiah, West Champaran in A.B.P. No. 2387 of 2023 arising out of Yogapatti P.S. Case No. 53 of 2023 dated 09.02.2023 registered for the offence/s punishable u/s 341, 323, 427, 435, 504, 506 read with section 34 of the Indian Penal Code and 3(1)(r) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused the informant by calling his caste name and threatened to burn his house due to land dispute. It is further alleged that the appellant no. 1 and the father of the co-accused Mantu Sah burnt the informant's house.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. The Title Suit No. 384 of the 2022 filed for the alleged piece of land as mentioned in the FIR and the same is pending for the disposal before the court of Sub-Judge-V, Bettiah, West Champaran. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act in public view. No sign of burnt material was found on the place of



occurrence. The appellant nos. 1, 2 and 4 have no criminal antecedent and the appellant no. 3 is accused in two other criminal antecedents as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 24.08.2023 passed by the learned Additional Sessions Judge-1st, Bettiah, West Champaran in A.B.P. No. 2387 of 2023 arising out of Yogapatti P.S. Case No. 53 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Bettiah, West Champaran in A.B.P. No. 2387 of 2023 arising out of Yogapatti P.S. Case No. 53 of 2023, subject to conditions as laid down under section 438(2) of the



Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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