

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3349 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. NARAD SHARMA Son of Late Kuldeep Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
2. Brahmadeo Sharma Son of Bhagwan Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
3. Balmiki Sharma Son of Late Bhagwan Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
4. Banty Kumar @ Mritunjay Kumar@Mritunjay Sharma Son of Brahmadeo Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
5. Dileep Sharma Son of Narad Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
6. Kanhay Sharma @ Krishnanand Sharma Son of Narad Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur
7. Bhupesh Sharma Son of Late Madhi Sharma Resident of Village - Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur

... .. Appellants

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellant/s : Mr.Dhirendra Nath Jha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-11-2019 Heard learned counsel for the appellants. No one appears on behalf of the State to oppose this appeal.

The appellants, in the present appeal, are seeking anticipatory bail in connection with Jagdishpur P.S. Case No. 232/2019, Special SC/ST No. 100/2019 for the offences under Sections 341/323/354/504/506/34 of the Indian Penal Code and 3(i)(r)(s), 3(ii) (Va) SC/ST (Prevention of



Atrocities) Act, 1989.

Learned counsel for the appellants submits that from a bare reading of the First Information Report it will appear that it is a case of false implication of the appellants because of some land dispute between the appellants and the informant. Referring to the allegations made in the F.I.R., learned counsel further submits that there is no allegation that these appellants had abused the informant in the name of his caste. All that has been alleged is that the appellant had abused the informant and had assaulted him and his wife.

It is submitted that the allegations are false from further fact that no injury has been found on the body of the informant or his wife which would be evident from the fact that in the impugned order the learned 3rd Additional District & Sessions Judge – cum – Special Judge, SC/ST, Bhagalpur has not noticed any injury allegedly caused to the informant or his wife. It is further submitted that falsity of the allegations would be further evident from the fact that the appellant no. 4 was on the alleged date and time not present at the place of occurrence as he had gone to



participate in the test for his appointment as Constable/Ministerial- 2019, which would be evident from Annexure '2' to the present petition of appeal. In these circumstances it has been submitted that there being no prima-facie material to connect these appellants with any case falling within the purview of the provisions of the SC/ST Act and as these provisions are being abused just to harass the appellants, they may be granted benefit of anticipatory bail. In view of the judicial pronouncements that the court is required to lift the veil in each case of such nature and merely because some provisions of SC/ST Act have been mentioned the appellants cannot be deprived of the benefit of anticipatory bail.

In the given facts and circumstances of the case, considering the submissions of learned counsel for the appellants and the materials which are available on the record particularly the written complaint which nowhere states that these appellants had abused the informant in the name of his caste and where it is evident that the parties are litigating over a piece of land, let the appellants above-named, in the even of their arrest/surrender before the court



below within a period of four weeks from today, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge – cum – Special Judge, SC/ST Act, Bhagalpur, in connection with Jagdishpur P.S. Case No. 232/2019, subject to the condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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