

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.305 of 2020**

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Khagaria

1. GURU PRASAD Son of Ram Shankar Prasad Verma @ Rama Shankar Prasad Verma Resident of Village- Nista Harupur, P.S.- Alloli, Districty- Khagaria.
2. Ram Shankar Prasad Verma @ Rama Shankar Prasad Verma Son of Late Raghunandan Prasad Resident of Village- Nista Harupur, P.S.- Alloli, Districty- Khagaria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bharat Bhushan
For the Respondent/s	:	Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 21-09-2020 The learned counsel for the appellants, at the outset of the argument, submits that appellant No.1, Guru Prasad, has already been arrested and, therefore, this appeal for grant of anticipatory bail u/s 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015 has become infructuous and he seeks permission to withdraw the appeal on behalf of appellant No.1.

Prayer is allowed.

The appeal on behalf of appellant No.1 is dismissed as withdrawn.

Heard both sides.

The appellant No.2, Ram Shankar Prasad Verma @



Rama Shankar Prasad Verma apprehends his arrest in Khagaria SC/ST P.S. case No. 15/2019 registered under Section 341, 323, 379, 504, 506, 34 of the IPC and u/s 3 (1) (R) (S) of the SC/ST (Prevention of Atrocities) Act, 2015.

The informant filed Complaint Case No. 17C of 2019 which was sent to the police station for registration and investigation. The informant alleged that he is watchman of mango orchard of Vivek Kumar. The appellant No.2 and his son, appellant No.1, came to the orchard and plucked the mangoes from the trees. When the informant opposed, the appellant No.2 and his son are alleged to have abused and assaulted the informant. Guru Prasad took out Rs. 500/- from the pocket of the informant.

The learned counsel for the appellant submits that no offence under any Sections of the SC/ST Act is made out. The Complaint case is filed at the instance of Vivek Kumar who happens to be co-sharer of the appellant. On account of land dispute the case has been filed. During the course of the investigation, the witnesses have also disclosed this fact that at the instance of Vivek Kumar the case has been filed. The occurrence is said to have taken place on 06.06.2019 but the complaint was filed on 14.06.2019. There is inordinate delay in



filing the complaint and this fact itself falsify the allegation made in the complaint petition and fortify the fact that with prior consultation with land owner the case has been lodged to take revenge from the appellant on account of land dispute.

Taking into consideration the facts aforesaid, I find that appellant No.2 deserves anticipatory bail. Accordingly, this appeal is allowed and the appellant No.2, above named, in the event of his arrest/ surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- I- Khagaria in connection with Khagaria SC/ST P.S. case No. 15/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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