

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1541 of 2020**

Arising Out of PS. Case No.-355 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

KISHAN CHAUBEY S/o Girish Chandra Chaubey Resident of Ravidas  
Nagar Brahmpura, P.S.- Brahmapura, District- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Raju Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      02-12-2020                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State through virtual court  
proceedings.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter in short referred to as the  
'SC/ST Act') against the refusal of prayer of anticipatory bail  
vide order dated 05.03.2020 passed by learned Sessions Judge-  
IX-cum Special Judge, SC/ST Act, Muzaffarpur in connection  
with Brhampura P.S. Case No. 355 of 2019 registered under  
Sections 323, 504, 506 of the Indian Penal Code read with  
Sections 10(1) (R), 3(C) of the Scheduled Castes and Scheduled  
Tribes (Prevention of Atrocities) Act.

The prosecution case is that on 16.10.2019,



appellant was throwing Maila in drain informant forbidden to doing so, petitioner became furious and started abusing taking the caste name and returned and bring pistol from his house. Neighbourer gathered, there and forbidden the appellant not to abuse then petitioner being afraid interred in her house and locked the door. Appellant at the time of returning abused the informant saying her caste and threatened to dire consequence.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is land dispute between the parties. This fact has also been supported by the independent witnesses in para-19 and 20 of the case diary. It is submitted that there is land dispute between the parties, therefore, SC/ST Act is not applicable against the appellant. In this regard, counsel for the appellant sites the judgment of the Hon'ble Apex Court in the case of Hitesh Verma Vs. The State of Uttarakhan passed in Cr. Appeal No. 707 of 2020 arising out of SLP (criminal) No. 3585 of 2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant 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 bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-IX-cum Special Judge, SC/ST Act, Muzaffarpur in connection with Brhampura P.S. Case No.355 of 2019, subject to the condition as 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)**

devendra/-

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