

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1761 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Katihar

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1. Manoj Kumar Biswas @ Manoj Biswas, S/o Chandra Nand Biswas
 2. Rekha Devi, W/o Pradeep Kumar Biswas
- Both are Resident of Village - Purana Sonaili, P.S. - Kadwa, District - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghvendra Kumar Singh, Adv.
For the Respondent/s : Mr./Ms. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Raghvendra Kumar Singh, the learned

Advocate for the appellants and the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated
16.01.2021 passed by the learned 1st Addl. Sessions Judge-
Cum-Special Judge, Katihar in connection with Katihar
S.C./S.T. P.S. Case No. 20 of 2020, instituted for the



offences under Sections 341, 323, 427, 354, 379 and 34 of the Indian Penal Code and Section 3(i)(v)(s)(w)(g) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that when the informant protested against the construction of house over a plot of land in dispute, she was abused, assaulted and disgraced.

It has been submitted on behalf of the appellants that no such occurrence as reported in the subject F.I.R. ever took place. In fact, there is a land dispute between the parties and the informant is wrongly staking her claim over a parcel of land on which the appellants have constructed their house.

It has further been submitted that a writ petition also was filed by one Pradeep Kumar Biswas *vide* C.W.J.C. No. 17266 of 2015 in which the informant and her husband were made party-respondents. That case also was related to the possession of the land in question. Nobody appears to



have been injured in the occurrence and the accusation inviting the mischief of the provisions of S.C./S.T. (Prevention of Atrocities) Act is only for the purposes of adding seriousness to the offence.

Regard being had to the aforesaid submissions, the order dated 16.01.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, Katihar in connection with Katihar S.C./S.T. P.S. Case No. 20 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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