

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1834 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- MADHWAPUR District- Madhubani

1. Ramjeevan Pandey S/O Late Ramashray Pandey Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.
2. Juhi Devi Wife Of Ramjeevan Pandey Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.
3. Yogendra Thakur @ Jogendra Thakur S/O Late Kant Thakur Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.
4. Mahendra Thakur S/O Late Kant Thakur Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.
5. Tuntun Thakur S/O Jamun Thakur Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.
6. Uday Shankar Thakur @ Uday Thakur S/O- Muneshwar Thakur Vill And Post - Ekari, Pirokhar, P.S. - Madhwapur, Dist - Madhuwani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dwij Raj- Advocate

For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021 Heard Mr. Dwij Raj, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 28.01.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Madhubani in connection with Madhwapur P. S. Case No.58 of 2020, instituted for the offences under Sections 341, 323, 354(B),



427, 504, 506/ 34 of the Indian Penal Code and Section 3(i) (r)(s)/ 3(2)(Va) 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 the appellants have assaulted the members of the prosecution party and have also tried to demean them by taking their caste name.

The learned Advocate for the appellants has submitted that they have falsely been made accused in this case. The dispute between the parties is because of the informant having constructed a hut in the government land are trying to usurp some of the land belonging to the appellants. For such act of nuisance, a protest was made by the appellants and that has been responded by slapping the aforesaid allegations against them.

The Investigating Officer of this case actually found the case true only under Section 341, 323, 427 and 504 of the I.P.C. and certain provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, but cognizance has been taken under other Sections of the I.P.C. also apart from the Sections in which charge-sheet has been submitted.



The learned Advocate for the appellants therefore has submitted that because of some dispute between the parties, this occurrence has taken place and the informant, taking advantage of his being from a particular caste, has saddled the appellants with such an allegation.

For the reasons afore-stated, the order dated 28.01.2021, referred to above, is set-aside.

The appeal stands allowed.

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 Additional Sessions Judge-cum-Special Judge, SC/ST Act, Madhubani in connection with Madhwapur P. S. Case No.58 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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