

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2522 of 2021**

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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1. Ragho Patel S/O Nokhlal Patel Resident Of Village - Bagahi, Pulwa Tola, P.S. - Bairiya, District - West Champaran.
 2. Pannalal Patel S/O Nokhlal Patel Resident Of Village - Bagahi, Pulwa Tola, P.S. - Bairiya, District - West Champaran.
 3. Laljhari Devi W/O Nokhlal Patel Resident Of Village - Bagahi, Pulwa Tola, P.S. - Bairiya, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-07-2021 Heard Mr. Sanjeev Kumar, 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
23.01.2021 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West
Champaran in connection with Bettiah SC/ST P. S. Case
No.16 of 2019, instituted for the offences under Sections
341, 323, 379, 504, 506, 349 of the Indian Penal Code and
Section 3(i)(r)(w)(ii)(v-a) 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 accused persons including the appellants were trying to put up some structure on the land belonging to the informant. When this was objected, the informant was assaulted/ manhandled and abused. Some articles were also taken away.

The learned Advocate for the appellants has submitted that they are neighbours of the informant and because of the dispute over the land on which construction was being undertaken, the present case has been lodged.

Apart from this, it has been submitted that nobody has been injured in any grievous manner and the F.I.R. has been lodged after a delay of four months.

These afore-noted reasons made the accusation highly suspect. While saying that, the Court has also taken note of the fact that there is no specific accusation against the appellants. The offence under the SC/ST (P.O.A.) Act does not appear to have been made out.

For the facts afore-stated, the order dated 23.01.2021 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 the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Bettiah SC/ST P. S. Case No.16 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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