

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1851 of 2020**

Arising Out of PS. Case No.-3478 Year-2014 Thana- COMPLAINT CASE District- Araria

1. PRIYA RANJAN KUMAR Son of Late Laxme Kant Jha Resident of Karankiya, Ward No.06, P.S.- Bousi, District- Araria, Pin 854312.
2. Raman Kumar Singh Son of Shri Braj Kishore Singh Resident of Professor's Colony, Gangjala, Ward No.16, Kahara, P.S.- Saharsa, District- Saharsa, Bihar- 852201
3. Awadhesh Kumar @ Awadhesh Singh Son of Sri Krishna Nand Das Resident of Bishanpur, Malharia, P.S.- Purnea, District- Purnea, Bihar- 854325
4. Sanjeev Kumar Mehta Son of Shri Ganesh Prasad Mehta Resident of Masuria, Ward No.10, Post- Ramnagar (Banaili), P.S.- Sarsi, District- Purnia- 854201, Bihar

... .. Appellants.

Versus

1. The State of Bihar.
2. Chhedi Rishideo Son of Late Moti Rishideo Resident of Village and Post- Karankia, P.S.- Karankia, P.S.- Bounsi, District- Araria Pin-854312

... .. Respondents.

**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate.  
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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

3      06-08-2021                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

From perusal of the office notes, it appears that respondent no.2 has entered his appearance through Vakalatnama and despite the link for virtual court proceedings having been successfully sent to learned counsel for the respondent no.2, there is no representation on his behalf.



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 19.03.2020 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Complaint Case No.3478-C/2014 registered under Sections 323, 120B, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against appellant no.1 is that he got his name mutated of the land which allegedly belongs to grandfather of the complainant and rent receipt was issued in his name on the ground that the grandfather of the complainant has sold the same in favour of the predecessor in interest of the appellant no.1. Appellant nos.2 to 4 are public servants, being the Circle Officer and Halka Karamchari.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation levelled against the appellants is not specific rather general and omnibus in nature. A land dispute is



going on between appellant no.1 and the complainant. One day before lodging the present complaint, appellant no.1 had lodged Bounsi P.S. Case No.124 of 2014 alleging therein that the complainant and others have tried to take away the paddy of the appellant no.1 from the plot in question and this false and concocted complain has been lodged in retaliation thereto. The land in question has been purchased by the appellant no.1 under Sale Deed No.464 dated 30.12.1954 from the grandfather of the complainant and thereafter he got his name mutated and rent receipts were also issued. This is purely a civil dispute. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST



Act), Araria in connection with Complaint Case No.3478-C/2014, converted to Special (SC/ST) Case No.114/19, 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)**

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