

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3222 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- SC/ST District- Saran

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1. VINOD RAI, S/o Harishankar Resident of Village- Sikatiya Damodarpur, P.S.- Sonapur, District- Saran.
 2. ADARSH KUMAR @ VIPUL @ VIPUL KUMAR, S/o Vinod Rai Resident of Village- Sikatiya Damodarpur, P.S.- Sonapur, District- Saran.
 3. SUNITA DEVI, W/o Vinod Rai Resident of Village- Sikatiya Damodarpur, P.S.- Sonapur, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nalin Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-08-2021 Heard Mr. Anil Kumar Sinha, learned Advocate

for the appellants, Mr. Rakesh Kumar, learned counsel

for the informant and Ms. Usha Kumari-I, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

09.03.2021, passed by the learned 1st Additional



Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra, in A.B.P. No. 197 of 2021, arising out of SC/ST P. S. Case No. 77 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the informant and others were prevented from raising the boundary wall over the plot of land which has been purchased by them. The informant and others were also subjected to social disgrace by abusing them.

The learned counsel for the appellants has submitted that the claim of the informant is absolutely bogus. The land in question belongs to one Hitlal Rai, who had executed a Will in favour of the accused persons, namely, Vinod Rai and Mahasari Devi. After the



death of aforesaid Hitlal Rai, the Will was probated and therefore it has been urged on behalf of the appellants that the claim of the informant that the property has been sold to him is without any basis. Even if it were, the nature of accusation hurled in the F.I.R. makes the prosecution case absolutely suspect. If there was any dispute with respect to the claim over a particular plot of land, the case should have been lodged only with respect to the offence which has been committed, namely, the land not having been transferred to the informant and money also not being returned. Hurling of accusation involving the mischief of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 only makes the veracity of the prosecution version highly doubtful.

The learned counsel for the appellants, therefore, has submitted that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been



made out.

There could be a civil dispute between the parties but coming up with an accusation which is absolutely false, the appellants deserve the privilege of anticipatory bail which has wrongly been denied by the court below.

For the afore-stated reasons, the order dated 09.03.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST



(POA) Act, Saran at Chapra, in connection with SC/ST P.
S. Case No. 77 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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