

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3678 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- KATORIYA District- Banka

1. Dhaneshwari Devi, Wife of Late Madho Sah, R/o Village Katoria, P.S. Katoria, District Banka.
2. Sushma Devi, Wife of Tuntun Sah, R/o Village Katoria, P.S. Katoria, District Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 02.08.2021, passed by learned Additional Sessions Judge-I, Banka in connection with Katoria P.S. Case No.174 of 2021, registered under Sections 302/34 of the Indian Penal Code and 3(2) (v) (a) of the SC/ST Act.

The appellants and other co-accused persons are alleged to have killed the husband of the informant due to land dispute.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. There is no allegation against the appellants of abusing either the



informant or the husband of the informant by naming their caste, therefore, no case is made out under the provisions of SC/ST Act against the appellants. It is submitted that merely on suspicion, the appellants have been made accused in the present case. There is no eye witness to the occurrence. It is also submitted that the appellants are in custody since 03.07.2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellants.

Considering the facts that there is land dispute and no case is made out under the provisions of SC/ST Act, no notice is required to be issued to the informant.

Having considered the facts aforesaid, let appellants, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Banka, District Banka in connection with Katoria P.S. Case No.174 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J.)

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