

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.797 of 2021**

Arising Out of PS. Case No.-667 Year-2020 Thana- NAWADA District- Nawada

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1. CHHOTU SINGH, Son of Late Mahadeo Singh Resident of Village Dobhara Par, P.S. Bundelkhand O.P., District - Nawada.
 2. NISHANT KUMAR, Son of Chhotu Singh Resident of Village Dobhara Par, P.S. Bundelkhand O.P., District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Ram Prawesh Kumar, learned Advocate for the appellants and Mr. Sanjay Kumar Singh, learned counsel for the informant. The State is represented by Mr. Binay Krishna, learned Special Public Prosecutor for SC/ST Act Cases.

The appellants have challenged the order dated 09.11.2020, passed by the learned Additional District and Sessions Judge 1st cum Special Judge, Nawadah, in A.B.P. No. 855 of 2020, arising out of Nawadah (Budelkhand) P. S. Case No. 667 of 2020, whereby the prayer made on behalf of the appellants for grant of



anticipatory bail for the offences punishable under Sections 447, 448, 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the accused persons assaulted, abused and attempted to commit rape on the informant and other female members of the house. They were also divested of Rs. 3,000,00 /- in cash and ornaments.

It has been urged on behalf of the appellants that an absolutely false case has been lodged against the appellants.

It has further been submitted that One Raju Kumar Singh had purchased land from the grandfather of the informant and the dispute between the parties is continuing since then.

There is a counter case also *vide* Nagar Bundelkhand P. S. Case No. 560 of 2020 against the



family members of the informant.

It has been brought to the notice of this Court that on 13.08.2019, a Panchayati was held with respect to the accusation against the parties over fighting for discharge of rain water. From the perusal of the F.I.R. itself, it would appear that the dispute arose because of the informant having opened the windows and the drainage in the land of the accused persons.

As opposed to the aforesaid contention, Mr. Sanjay Kumar Singh, learned counsel for the informant has submitted that in view of the categorical averments made in the F.I.R. attracting the mischief of the provisions contained in Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, this anticipatory bail petition is not maintainable.

After having heard the parties, it appears that the dispute lies somewhere else but the present case has been lodged maliciously with the accusation involving the provisions of Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989. The dispute primarily is with respect to a plot of land and opening of the windows and drainage in the land of the accused persons.

The learned Advocate for the appellants, therefore, submits 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.

Considering the afore-stated circumstances and background facts, the order dated 09.11.2020, passed by the learned Additional District and Sessions Judge 1st cum Special Judge, Nawadah, 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
Additional District and Sessions Judge 1st cum Special
Judge, Nawadah, in connection with Nawadah
(Budelkhand) P. S. Case No. 667 of 2020, subject to
the conditions as laid down under Section 438 (2)
Cr.P.C.

(Ashutosh Kumar, J)

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