

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.782 of 2021**

Arising Out of PS. Case No.-143 Year-2019 Thana- KURTHA District- Jehanabad

1. Tulsi Yadav S/O Mahodar Yadav Resident Of Village- Manikpur Nigma Tola Wala Bazar, P.S.- Kurtha Manikpur, District- Arwal.
2. Munshi Yadav S/O Mahodar Yadav Resident Of Village- Manikpur Nigma Tola Wala Bazar, P.S.- Kurtha Manikpur, District- Arwal.
3. Sugni Devi @ Smt. Sugni Devi W/O Tulsi Yadav Resident Of Village- Manikpur Nigma Tola Wala Bazar, P.S.- Kurtha Manikpur, District- Arwal.
4. Smt. Nanhaki Devi @ Nanhaki Devi W/O Mahodar Yadav Resident Of Village- Manikpur Nigma Tola Wala Bazar, P.S.- Kurtha Manikpur, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh- Sr. Advocate
For the Informant	:	Mr. Shiv Kumar Prabhakar- Advocate
For the State	:	Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Krishna Prasad Singh, the learned Senior Advocate for the appellants, Mr. Shiv Kumar Prabhakar, the learned Advocate for the informant and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 03.10.2020 passed by the learned Additional Sessions Judge-1st, Jehanabad in connection with Kurtha P. S. Case No. 143 of 2019, instituted for the offences under Sections 323, 504, 354, 506, 341/ 34 of the Indian Penal Code and Section 3(1)(r)(s)(F) 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 when the informant was conducting agricultural operations on her land, she was abused and assaulted by the appellants.

The learned Senior Advocate for the appellants has submitted that a false case has been lodged against them for the reason that the informant does not want to get away from the land which has been purchased by the appellant no.3. A conveyance document has been brought on record by way of supplementary affidavit indicating that the land in question has been purchased by one of the appellants.

The learned Advocate for the informant however has submitted that the victim/ informant was publically abused. During the course of investigation, that it was found that the place where the occurrence took place is by the side of a road where the many persons had gathered.

It has also been submitted that one of the witnesses of this case has stated that he had heard the appellants abusing the informant.

After having perused the F.I.R., it appears that there is a dispute over a plot of land. It may be a fact that the



informant is a weak person, nonetheless the allegations do not bring home charges under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. Had it not been the case, the informant would not have stated in detail about the boundary of the land in question where she was abused. It therefore appears that for the appellants staking their claim over a plot of land which is in possession and cultivation of the informant, that they have been made accused in this case.

Thus, no offence under any one of the provision of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act cannot be said to have been made out.

For the reasons afore-stated, the order dated 03.10.2020, referred to above, 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 Additional Sessions Judge-1st, Jehanabad in connection with Kurtha P. S. Case No.143 of 2019,



subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

(Ashutosh Kumar, J)

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