

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.843 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- SC/ST District- Katihar

1. INDU DEVI Wife of Chandra Shekhar Shah Resident of Purani Sonali, Bhogaon, P.S.- Kadwa, District- Katihar.
2. Brajesh Kumar Sah Son of Bhola Shah @ Bhola Prasad Sah Resident of Purani Sonali, Bhogaon, P.S.- Kadwa, District- Katihar.
3. Abhishek Kumar Son of Chandra Shekhar Shah Resident of Purani Sonali, Bhogaon, P.S.- Kadwa, District- Katihar.
4. Anjali Kumari Daughter of Chandra Shekhar Shah Resident of Purani Sonali, Bhogaon, P.S.- Kadwa, District- Katihar.
5. Moni Kumari Daughter of Chandra Shekhar Shah Resident of Purani Sonali, Bhogaon, P.S.- Kadwa, District- Katihar.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr. Binay Kirshna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The appellants have challenged the order dated 01.12.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Katihar in ABA No. 77/2020 in connection with SC/ST P.S. Case No. 17/2020 registered for the offences



under sections 427, 323, 354(b), 307, 379, 341, 504, 506/34 of the Indian Penal Code and 3(i)(g)(j)(P), 3(2)(V) of SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on the issue of protest over construction, the accused persons abused the informant by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is no injury report in support of the offence under section 307 I.P.C. There is admitted land dispute between the parties and for the said reason, the present application has been instituted. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 01.12.2020 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Katihar in ABA No.



77/2020 in connection with SC/ST P.S. Case No. 17/2020 is set aside.

The appeal stands allowed.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, Katihar in connection with SC/ST P.S. Case No. 17/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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