

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3353 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- RUDRAPUR District- Madhubani

NAND KUMAR JHA S/o Late Yogendra Narayan Jha R/o village- Harri,
P.S.- Rudrapur, District- Madhubani, and Present address- House No.- 851,
Kailash Kutir, Sector-31, P.S.- Faridabad Town, District- Faridabad, Pin-
121003, (Haryana)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Manoj Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 15-11-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, amended Act 1 of 2016 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 13-05-2019 passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), Madhubani in connection with Rudrapur P.S. Case No.65 of 2018, corresponding to G.R. No.111 of 2018, registered under sections 341/323/324/354(B)/347/506/34 of the IPC and section 3(r)(w), 3(2) VA SC/ST Act.

The prosecution case in brief, is that the informant was



at the nearby primary school being a cook, then the appellant along with three other persons came there. Then she asked him to execute the sale deed of one Kattha and 7 Dhurs of land in her favour for which he has already received the money. On such demand, the appellant abused her and on protest, thrashed her, due to which she became naked. It is also alleged that upon her cry, he took farsa from his vehicle and gave a blow on her head but she saved herself. Again, he repeated the blow and she sustained injury on her head and fell down on the road. Thereafter, her husband came there and he was also assaulted. Then, the villagers came there and carried them to the hospital.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that he has no concern with the aforesaid occurrence and has been falsely implicated in the case on account of land dispute between the parties. There is a case and counter-case between the parties and the appellant has also sustained injuries. In fact, the present case has been filed after lodging of the FIR by the appellant of this case vide Rudrapur P.S. Case No.63 of 2018. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence



has taken place in public view. The appellant has no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the Informant have opposed the prayer for bail on the ground that the informant has received injury and this fact is also evident from para-13 of the case diary.

In the facts and circumstance of the case, since there is a land dispute between the parties, no case is made out against the appellant under the SC/ST Act, in view of the judgment of the Apex Court in the case of *Hitesh Verma Vs. The State of Uttarakhand & Anr.* reported in *(2020) 10 SCC* (passed in Cr. Appeal No. 707 of 2020 arising out of SLP (Criminal) No.3585 of 2020).

Accordingly, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), Madhubani, in connection with Rudrapur P.S. Case No.65 of 2018, corresponding to G.R. No.111 of 2018, subject to the condition as laid down under



section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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