

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.342 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- SC/ST District- Jehanabad

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1. FEKAN CHAUDHARY Son of late Budhu Chaudhary Resident of Village - Barbatta, P.S.- Kako, Distt.- Jehanabad.
 2. Sanjay Chaudhary Son of Late Shivdeyal Chaudhary Resident of Village - Naya Tola, P.S.- and Distt.- Jehanabad.
 3. Ramji Chaudhary Son of Late Nanhak Chaudhary Resident of Village - Raja Bajar South Daulatpur, P.S. and Distt.- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Puniya Devi W/o Late Banwari Chaudhary Resident of Village - Babhena, P.S. and Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binoy Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the parties.

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 for anticipatory bail vide order dated 09.01.2021 in A.B.P. No. 1271 of 2020 passed by the learned 1st Additional Sessions Judge, Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 29 of 2020 registered under Sections 341, 342, 323, 504, 506, 467, 468/34 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.



Learned counsel for the appellants submits that appellant no. 1 and 2 have antecedent of two cases and appellant no. 3 is a person with clean antecedent.

The informant alleges that she is in possession of the land as detailed in the FIR and the appellants based on forged documents are trying to dispossess her from the land. It is further alleged that earlier also a case under the SC/ST Act was instituted against the appellants. It is alleged that the appellants, on 25.03.2018, came to her house, abused and threatened her thereafter she realized that they are again making efforts to oust her from the land.

Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil in nature which is given the nature of a criminal case and even the appellants are Scheduled Caste and, as such, SC/ST Act would not apply on them. He further submits that the land belongs to the appellants and, in the event, if the informant has any grievance, she has remedy of getting the alleged documents cancelled about which she alleges that the documents are forged and fabricated.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.



Hence, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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