

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2130 of 2021**

Arising Out of PS. Case No.-9 Year-2020 Thana- BHAGWAN BAZAR District- Saran

1. Hriday Rai Son of Late Gopal Rai R/o Massomganj, P.S. Bhagwan Bazaar, (Chapra), District - Saran.
2. Jitendra Rai Son of Late Gopal Rai R/o Massomganj, P.S. Bhagwan Bazaar, (Chapra), District - Saran.
3. Sonu Kumar @ Sony Kumar Rai S/O Shiv Kumar Rai R/o Massomganj, P.S. Bhagwan Bazaar, (Chapra), District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chetan Kumar

For the Respondent/s : Mrs. Usha Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 17-02-2022 Learned counsel for the appellants submits that during pendency of this appeal, appellant nos. 2 and 3 have also been apprehended by the police, therefore, he seeks permission to withdrawn this appeal with regard to appellant nos. 2 and 3.

Accordingly, this appeal is dismissed as withdrawn with regard to appellant nos. 2 and 3.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for bail vide order dated 22.05.2020, passed by learned Special Judge (SC/ST Act), Saran (Chapra) in connection with Bhagwan Bazar P.S. Case No. 09 of 2020, registered under Sections 341, 323, 324, 379, 504, 506/34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that the present case is counter blast of Bhagwan Bazar P.S. Case No. 08 of 2020 lodged for the same occurrence by the appellant No. 1. He submits that there is land dispute between the parties, therefore, no case under SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant is also involved in the present case. He also fairly submits that there is admitted land dispute between the parties.

Considering the facts and circumstances of the case, the above named appellant no. 1, in the event of his arrest or



surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Saran (Chapra) in connection with Bhagwan Bazar P.S. Case No. 09 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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