

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1389 of 2022

Arising Out of PS. Case No.-416 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Dwarika Dubey @ Dwarika Nath Dwivedi, Son Of Late Ganga Dubey Alias Gangadhar Dwivedi Resident Of Village - Bhualpur, P.S.- Madhaura, District -saran, At Present Q. No. 4 139, Streat 6, Sector 2, P.O. Head Post Office, Bokaro Steel City, Bokaro
 2. Anand Dubey @ Anand Kumar Dwivedi, Son Of Dwarika Dubey @ Dwarika Nath Dwivedi Resident Of Village - Bhualpur, P.S.- Madhaura, District -saran, At Present Q. No. 4 139, Streat 6, Sector 2, P.O. Head Post Office, Bokaro Steel City, Bokaro
 3. Bittu Dubey @ Ashish Ranjan, Son Of Dwarika Dubey @ Dwarika Nath Dwivedi Resident Of Village - Bhualpur, P.S.- Madhaura, District -saran, At Present Q. No. 4 139, Streat 6, Sector 2, P.O. Head Post Office, Bokaro Steel City, Bokaro

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajwanti Devi Wife Of Lalbabu Manjhi Resident Of Village- Bhualpur, P.S- Madhaura, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar- Advocate Mr. Ashok Kumar- Advocate
For the Respondent/s	:	Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-09-2022 Heard learned counsel for the appellants and the
learned Special Public Prosecutor for the State.

The appellants have challenged the order dated
26.02.2022 passed by the learned 3rd Additional District &
Sessions Judge-cum-Special Judge, SC/ST Act, Saran in
connection with Complaint Case No.416 of 2019, instituted
for the offences under Section 323 of the Indian Penal Code



and Section 3(i)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant no.1 is a senior citizen aged about 76 years and the informant alleges that the accused persons including the appellants asked her husband about a month back to give his land for constructing a cold storage to which, her husband did not agree and thus, was threatened. On 03.10.2019, when the informant was coming back home after seeing her field, she was intercepted by Dwarika Dubey, Anand Dubey and Bittu Dubey and they abused and assaulted her and Anand Dubey tore her blouse. Further her husband and son came to save her, who were also assaulted and abused as detailed in the F.I.R. Further, Dwarika Dubey assaulted by slipper and spate on the face of her husband and when people started gathering, accused left.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that the SC/ST (P.O.A.) Act is a beneficial legislation which was enacted by the



legislature considering the exploitation of the beneficiaries for centuries, but the willy litigant are using it as a tool to exploit and harass. The learned counsel submits that the date of occurrence is 03.10.2019 and the complaint from which the present F.I.R. came to be instituted on 04.11.2019 i.e. after a delay of more than one month without any plausible explanation. It is next submitted that the husband of the informant was using the orchard of the appellants for brewing liquor for which, the appellant no.2 had given a written complaint to the Superintendent of Police, Saran on 14.10.2019 (Annexure-2) informing about the same. This led to the dispute as police had come to investigate the complaint. The learned counsel thus submits that on one hand, the husband of the informant/ complainant was forcefully trying to usurp the property of the appellants for misusing the same for carrying out an illegal trade and when a complaint was made, his wife, the complainant, instituted the present case by way of after thought and a delay of more than one month.

Regard being had to the aforesaid submissions, the order dated 26.02.2022 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 six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Saran in connection with Complaint Case No.416 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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