

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3001 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

1. PANKAJ KUMAR SINGH @ PANKAJ SINGH Son of Late Ishwar Dayal Singh Resident of Village - Bheriya, P.S.- Durgawati, District - Kaimur at Bhabua
2. Pushkar Singh Son of Late Ishwar Dayal Singh Resident of Village - Bheriya, P.S.- Durgawati, District - Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Dharmendra Gand R/o village Dhaneksha, P.S.- Durgawati, Dist- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tribhuwan Narayan, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P.
		Mr.Parwej Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 13-10-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 anticipatory bail vide order dated 15.06.2021, passed by learned Additional District and Sessions Judge- 1st cum- Spl. Judge, Kaimur at Bhabhua, in connection with Durgawati P.S. Case No.31 of 2021, registered



under sections 341, 323, 554, 379, 504 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

Allegedly, the F.I.R. named accused persons including the appellants are said to have abused the informant by taking caste name and allegation of snatching her nose ring and Rs.4500/- is also made against them.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence is not said to have taken place in the public view. There is no specific allegation to abuse the informant by taking caste name is levelled against the appellants. It is further submitted that the occurrence took place on 10.02.2021 but the F.I.R. has been lodged on 13.02.2021 i.e. after a delay of three days without giving any plausible explanation, which creates doubt about the prosecution case. He further submits that there is a land dispute between the parties and relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, he submits that if there is a



land dispute between the parties, the appeal for anticipatory bail is maintainable. He also submits that there is no injury report on record to suggest any kind of injury upon the person of the informant. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellants have abused the informant.

Considering the facts and circumstances of the case, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge- 1st cum- Spl. Judge, Kaimur at Bhabhua, in connection with Durgawati P.S. Case No.31 of 2021, 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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