

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1433 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- SC/ST District- Jehanabad

1. RANJEET KUMAR SHARMA @ RANJEET SHARMA S/o Late Srikant Singh Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
2. Ajit Kumar @ Simpu S/o Nityanand Sharma Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
3. Rakesh Kumar @ Rakesh Sharma S/o Sarda Singh Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
4. Abhinandan Kumar S/o Sachidanand Sharma Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
5. Anup Kumar @ Banti S/o Rakesh Sharma Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
6. Nityanand Sharma S/o Sarda Singh Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.
7. Omprakash Sharma S/o Sarda Singh Resident of Village-Indrapur, P.S.-Makhdumpur, District-Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr.Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Sanjay Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2022 Heard learned counsel for the parties.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.



This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 27.02.2020, passed by learned Additional Sessions Judge-I, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.56 of 2019, registered under sections 147, 149, 341, 323, 354(B), 307, 504, 506 of the IPC and sections 3(1)(r)(s)(w)/3(2)(va) of the SC/ST (POA) Act.

As per the prosecution case, on 11.12.2019 at 1 PM about 14 accused persons including the appellants, named in the FIR and 10 to 12 unknown persons, variously armed, suddenly entered in Mahadalit tola and started marit with the residents. They also closed her mouth with Gamcha and tried to outrage the modesty of the informant and called her caste name. It is further alleged that appellants Rakesh Sharma and Ranjeet Sharma also tried to kill Kanti Devi after brutally assaulting by iron rod. Other accused persons were indulged in brick batting as a result of which 9 to 10 persons sustained injuries.

It is submitted by learned senior 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 ulterior motive. It is stated that there is a land dispute between the parties. Earlier also father of the informant and other accused persons, with a view to grab land, indulged in firing and when the C.O. and the Officer In Charge of Makhdumpur Police Station went to the PO, prosecution side indulged in scuffle with them for which Makhdumpur Police Station case No. 554 of 2019 dated 16.7.2019 was registered. The C.O. of Makhdumpur also lodged a case vide Makhdumpur P.S. Case No.322 of 2019 against the informant side in which Circle Officer and Incharge Officer-in-Charge of Makhdumpur P.S. sustained injuries. It is further submitted that the injuries sustained by the prosecution side have been found to be superficial and simple in nature. Furthermore, slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Several similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.01.2021, passed in Cr. Appeal



(SJ) No.1672 of 2020. 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 anticipatory bail by submitting that the appellants are also involved in abusing the informant's side by taking their caste name, as such, appeal for grant of anticipatory bail is not maintainable.

Considering the facts and circumstances of the case, since the similarly situated co-accused persons have been enlarged on anticipatory bail and in view of the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is apparent that when there is a land dispute between the parties, the appeal for anticipatory bail is maintainable, as such, I am inclined to enlarge the appellants on anticipatory bail.

Accordingly, 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, is 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 learned 1st Additional Sessions Judge, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.56 of 2019, 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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