

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3333 of 2021

Arising Out of PS. Case No.-104 Year-2019 Thana- MADHEPUR District- Madhubani

1. SHARWAN KUMAR SAH @ SHARWAN SAH Son of Ram Sah Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
2. Kailash Sah Son of Ram Sah Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
3. Kamlesh Sah Son of Ram Sah Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
4. Umashankar Singh Son of Late Jagan Nath Singh Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
5. Satish Singh Son of Nagendra Narayan Singh Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
6. Kashinath Jha Son of Hare Krishna Jha Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.
7. Diwakar Jha Son of Late Ghuran Jha Resident of Village- Bhith Bhagwanpur, P.S.- Madhepur, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kamal Ram son of Jibal Ram resident of village- Bheth Bhagwanpur, P.S.- madhepur, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.5, Satish Singh as he has assaulted the informant by means of iron rod on his head causing grievous injury.

Permission is granted.

Accordingly, the appeal is dismissed as withdrawn so far as appellant no.5 is concerned.



Notice was issued to respondent no.2 on 17.05.2022.
The office points out that respondent no.2 has appeared by filing *Vakalatnama*, but today nobody appears on his behalf.

Heard learned counsel for the appellants 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, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 09.03.2021, passed by learned 1st Additional Sessions Judge, Madhubani in connection with Madhepur P.S. Case No.104 of 2019, registered under Sections 341, 323, 324, 379, 504, 506, 143 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s) (w)/3(2)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that there is land dispute between the parties.

Learned Special P.P. for the State opposed the prayer



for anticipatory bail of the appellants.

Having considered the fact that there is land dispute between the parties, let appellants no.1, 2, 3, 4, 6 and 7, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge, Madhubani in connection with Madhepur P.S. Case No.104 of 2019, subject to the conditions 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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