

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3366 of 2021**

Arising Out of PS. Case No.-996 Year-2019 Thana- SONEPUR District- Saran

1. LAKHAN JI SHARMA LATE RAM NARAYAN SHARMA Resident of Village- Chausiya, Chakdariya Sutanpur, P.S.- Sonepur, District- Saran at Chapra.
2. BHARAT SHARMA @ BHARAT JI SHARMA S/o- LATE RAM NARAYAN SHARMA Resident of Village- Chausiya, Chakdariya Sutanpur, P.S.- Sonepur, District- Saran at Chapra.
3. MOST UMA DEVI @ UMA DEVI W/o- LATE RAMJI SHARMA Resident of Village- Chausiya, Chakdariya Sutanpur, P.S.- Sonepur, District- Saran at Chapra.
4. TUNTUN SHARMA S/o- LATE RAM SURAT SHARMA Resident of Village- Chausiya, Chakdariya Sutanpur, P.S.- Sonepur, District- Saran at Chapra.
5. GARIBAN SHARMA @ GARIB SHARMA S/o- LATE SANT LAL SHARMA Resident of Village- Chausiya, Chakdariya Sutanpur, P.S.- Sonepur, District- Saran at Chapra.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Ganesh Sharma Late Chabila Sharma Resident of Village-Chausiya, Chakdariya Sultanpur, P.S.-Sonepur, District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

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

3 17-10-2022 Heard learned counsel for the appellants and learned
Special P.P. for the State.

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



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 26.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, (Prevention of Atrocities Act), Saran at Chapra in connection with Sonapur P.S. Case No.996 of 2019, registered under Sections 406, 420 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) 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 also submitted that the informant does not belong to Scheduled Caste or Scheduled Tribe category as he is *Lohar* by caste. Learned counsel for the appellants has relied upon the judgment of the Hon'ble Supreme Court passed in the case of Sunil Kumar Rai Vs. The State of Bihar & Ors. [Writ Petition (Civil) No.1052 of 2021]. It is further submitted that the dispute between the parties is civil in nature.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory



bail of the appellants and submitted that the appellants have executed a forged sale deed of a piece of land in which 1/5 share of the area belongs to the informant.

Having considered the fact that the dispute between the parties is civil in nature, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged 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 Sessions Judge-cum-Special Judge, (S.C./S.T. Prevention of Atrocities Act), Saran at Chapra in connection with Sonapur P.S. Case No.996 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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