

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2553 of 2022**

Arising Out of PS. Case No.-129 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

1. SURENDRA KUMAR SAH Son of Late Ramchandra Sah Resident of Village - Jhunathi, P.s.- Muffasil, Distt.- Nawada.
2. Reshmi Devi W/O Surendra Sah @ Surendra Kumar Sah Resident of Village - Jhunathi, P.s.- Muffasil, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Girija Devi W/o Raju Choudhary Resident of Village - Bhagwanpur, P.s.- Muffasil, Distt.- Nawada.

... .. Respondent/s

**Appearance :**

|                      |   |                                                |
|----------------------|---|------------------------------------------------|
| For the Appellant/s  | : | Mr.Sheo Kumar Prasad, Advocate                 |
| For the Respondent/s | : | Ms/Mrs. .Usha Kumari 1, Spl. Public Prosecutor |
| for respondent no.2  |   | Mr. P K Verma, Advocate                        |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

- 3      16-11-2022                      Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 1.7.2022, passed by learned Exclusive Special Court SC/ST Act in a case registered for the offence punishable under Sections 379/34 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby anticipatory bail of the appellants has been rejected.

As per the FIR, appellants were ploughing the land which was purchased by the informant/ respondent no.2 and



when she objected, accused persons abused by caste name, assaulted her by means of lathi and snatched her ornaments.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He submits that there is serious land dispute and the land in question is their khatiyani land as per Annexure 3 for which quarrel took place between the parties. Insult caused to respondent no.2 by the appellants are not based on caste, as such, no offence under the SC/ST Act is made out against them. It is further submitted that there is delay of 23 days in lodging of the FIR and there is no plausible explanation of delay which itself creates doubt over the prosecution case. Appellants claim clean antecedent.

Learned counsel for the state and the informant on the other hand oppose the prayer for bail.

Having regard to the submissions made by the parties, taking into consideration the materials available on record and huge delay in lodging FIR, this appeal is allowed and the impugned order dated 1.7.2022, is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST, Nawada in Muffasil Police Station Case No. 129 of 2022.

**(Prabhat Kumar Singh, J)**

Shashi

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