

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2719 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- WARISNAGAR District- Samastipur

1. VIKASH KUMAR Son of Late Ram Nandan Singh Resident of Village - Rahuwa, P.S.- Warisnagar, District - Samastipur
2. Laxmi Kant Mishra @ Lakshmi Kant Mishra Son of Ram Kumar Mishra Resident of Village - Rahuwa, P.S.- Warisnagar, District - Samastipur
3. Sunil Thakur Son of Tejo Thakur Resident of Village - Rahuwa, P.S.- Warisnagar, District - Samastipur
4. Ramu Thakur Son of Ganga Thakur Resident of Village - Rahuwa, P.S.- Warisnagar, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kala Devi Wife of Fekan Paswan Resident of Village - Rahuwa, P.S.- Warisnagar, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. P.P. for the State submits that he has already informed the respondent/informant no.2 through the concerned Superintendent of Police but nobody appeared on behalf of the respondent no.2/informant.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken 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) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 18.07.2022 passed by learned Special Judge SC/ST in connection with Warisnagar P.S. Case No. 176 of 2022 registered under Sections 147, 148, 341, 342, 323, 435, 354, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute between informant and the appellants. The SC/ST Act will never be applicable in this case because the occurrence is occurred in the house not in public place. He relies upon the judgement of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellants, 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 Special Judge SC/ST in connection with Warisnagar P.S. Case No. 176 of 2022, 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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