

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4021 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- BIRAUL District- Darbhanga

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1. PULKIT MUKHIYA S/o Jitan Mukhiya R/o village- Sonpur, P.S.- Biraul, District- Darbhanga
 2. Rohit Mukhiya S/o Kamlesh Mukhiya R/o village- Sonpur, P.S.- Biraul, District- Darbhanga
 3. Rahul Mukhiya S/o Kamlesh Mukhiya R/o village- Sonpur, P.S.- Biraul, District- Darbhanga
 4. Meena Devi W/o Kamlesh Mukhiya R/o village- Sonpur, P.S.- Biraul, District- Darbhanga
 5. Devta Devi W/o Pulkit Mukhiya R/o village- Sonpur, P.S.- Biraul, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Awadesh Ram Son of Cheet Ram Resident of village- Sonpur, P.S.- Biraul, Dist- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 08-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as learned Special PP for the State.

The appeal has been preferred on behalf of the appellant under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting



aside the order dated 28.07.2021 passed by the learned Ist Additional Sessions Judge, Special judge (POA Act), Darbhanga, Bihar registered for offence punishable under Sections 323, 341, 307, 380, 504/34 of the Indian Penal Code and 3(i) (r) (s) SC/ST Prevention of Atrocities Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, eight named accused persons, including the appellants abused the informant by calling his caste name and they also threatened him to dismantle his house. Co-accused Kamlesh Mukhiya assaulted Raja Kumar Ram with Farsa on his head and appellant Rahul Mukhiya assaulted Sutto Ram with knife. Rohit Mukhiya assaulted Awadesh Ram, who sustained injuries on his shoulder and the other accused persons also assaulted him.

Learned counsel for the appellants has submitted that the appellants are the persons of clean antecedents. There is case and counter-case and there is no injury on the person of the injured persons. He has submitted further that there is land dispute between the parties. On the other hand, the learned Special PP has submitted that there is no evidence about the land dispute.

There is case and counter-case, both sides have also



sustained injuries. The members of defense side have sustained injuries, as such, it cannot be said that the occurrence had taken place due to malicious feeling of caste. The appellants are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, the appeal is allowed the impugned order dated 28.07.2021 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge (POA) Act, District-Darbhanga, Bihar in connection with Biraul P.S. Case No. 258 of 2020.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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