

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4074 of 2021

Arising Out of PS. Case No.-74 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Sri Bhagwan Sonar Son of Late Ramji Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 2. Santosh Sonar Son of Late Ramji Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 3. Satendra Sonar Son of Late Ramji Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 4. Surendra Sonar Son of Late Ramji Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 5. Bablu @ Bhand Sonar Son of Surendra Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 6. Kali Devi Wife of Surendra Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 7. Asha Devi Wife of Satendra Sonar Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 8. Fauzdar Yadav Son of Late Ramje Yadav Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar
 9. Laxminiya Devi Wife of Fauzdar Yadav Resident of Village - Barka Singhanpura, P.S. - Simri, District - Buxar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

The appellants have challenged the order

dated 15.07.2021 passed by the learned Additional



District Judge-cum-Special Judge (SC/ST Act) in connection with Complaint Case No. 74 of 2017, vide SC/ST Case No. 02(c) of 2017 instituted for the offences under Sections 147, 447, 341, 323, 436, 504 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail, in anticipation of arrest, has been rejected.

It is alleged against the appellants that they variously armed came on the land of the complainant and forbade not to bore hand pump in her land and when she resisted, the appellants started assaulting the complainant and abused her by calling her caste name. The appellants also set the hut of the complainant on fire as a result of which household articles worth rupees fifty thousands got burnt.

It is submitted by learned counsel for the appellants that there is a land dispute between the



parties. There is no injury report on record nor cognizance has been taken under Section 307 I.P.C.

Learned Special Public Prosecutor appearing for the State has vehemently opposed the prayer for bail of the appellants and submitted that learned Court below has taken cognizance under the provisions of SC/ST Act after finding the case true against the appellants.

Considering the aforesaid facts and circumstances, this Court is not inclined to entertain the present appeal and the same is dismissed.

However, it is observed that if the appellants appear before the Court below and seek regular bail, it shall be decided on its own merits, without being prejudiced by the fact that this appeal has not been entertained.

The appeal is, accordingly, dismissed.

(Sunil Kumar Panwar, J)

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