

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4017 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- SC/ST District- Rohtas

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1. DEEPAK SHARAF @ DEEPAK KUMAR Son of Shital Prasad Resident of Mohalla - Ward No. 36, Near Hanuman Mandir, Barah Pathar, P.S. Dehri, District - Rohtas.
 2. BINOD SHARAF SHITAL PRASAD WARD NO.36, NEAR HANUMAN MANDIR, BARAH PATTHAR, PS Dehri, District-Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Lal Bihari Prasad son of Late Ramdhani Prasad Mohalla Barah Pathar, Ward no- 36 P.S.- Dehri, Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwari
For the Respondent/s : Mr.Binay Krishna

**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 learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 16.07.2021 passed in Regd. Case No.223/2020, arising out of SC/ST Dehri P.S. Case No. 74/2020



registered for offence punishable under sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, appellant no. 1 threw the empty bottle of wine at the roof of the informant. On protest, he assaulted the informant and also abused him by calling his caste name. Appellant no. 1 snatched Rs. 5,000/- from his pocket.

The learned counsel for the appellants has submitted that there is a land dispute between the parties since 2014. Three days prior to the lodging of the FIR, the proceeding under sections 107 and 144 of the Code of Criminal Procedure was initiated against the informant on the application of appellant no. 1 and thereafter, the present case has been lodged after three days of initiation of proceeding.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.

Admittedly, there is a land dispute between the parties, as such, the provisions of SC/ST Act do not attract *prima facie*. The appellants are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order



dated 16.07.2021 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 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 74/2020.

Office shall ensure that all defects are removed by the appellants 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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