

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4067 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- SC/ST District- Bhagalpur

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ARUN DEV SINGH @ ARUN DEV PRASAD SINGH S/o LATE
MAHAVEER SINGH @ MAHAVEER PRASAD SINGH R/o VILLAGE-
BHAWANIPUR, P.S- BIHPUR (BHAWANIPUR O.P), DISTRICT-
BHAGALPUR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rajmani Devi Umesh Rajak R/O Village-Bhawanipur, P.S.-
Bhawanipur(O.P), District-Bhagalpur

... .. Respondent/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 11-08-2022 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the appellant, learned Spl.
P.P. for the State and the learned counsel for the informant.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 02.08.2021 in
connection with Naugachia SC/ST P.S.Case No. 11 of 2020,
registered for the offences punishable under Sections 147, 341,
323, 325, 448, 354(B), 504, 506, 427 and 379 of the Indian



Penal Code and Sections 3(1) (r) (s) 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the accused persons including the appellant asked the informant to remove her hut from their land. When she told the the appellant that she is residing on that land for years and it is not possible for her to vacate the land, the accused persons badly assaulted the informant and her family members and also abused them by calling their caste names.

Learned counsel for the appellant has submitted that the informant and her family members had encroached the land belonging to the appellant and when the appellant asked them to vacate the land, they badly assaulted the family members of the appellant and in this respect Bihpur (Bhawanipur) P.S.Case No. 200 of 2020 has been lodged. That FIR was lodged two days prior to the present FIR.

On the other hand, learned counsel for the informant ha submitted that cognizance has been taken in this case, as such, this appeal is not maintainable.

Considering the facts and circumstances, the appellant is directed to surrender before the court below and make a prayer for regular bail, which shall be disposed by the court



below on the same day, without being prejudiced by this order.

The learned court below may take notice of the fact that there is land dispute between the parties. The case lodged by the appellant's side is earlier to the present case and the appellant is a person of clean antecedent.

With these observations, the appeal is disposed of.

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

(Nawneet Kumar Pandey, J)

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