

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4037 of 2021**

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

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1. WAKIL MANDAL S/o LATE JAGESHWAR MANDAL R/o VILLAGE-MALPUR, P.S- RUPOULI, DISTRICT-PURNIA.
 2. MANOJ MANDAL S/o LATE YOGI MANDAL R/o VILLAGE-MALPUR, P.S- RUPOULI, DISTRICT-PURNIA.

... .. Appellants

Versus

1. THE STATE OF BIHAR BIHAR
2. Janki Devi wife of Prayag Rajak resident of village- Bhalpur, P.S.- Mohanpur(Rupauli) District- Purnia

... .. Respondents

Appearance :

For the Appellant/s : Mr.Siddhartha Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 06-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the appellants. None appeared on behalf of the informant in spite of the fact that notice has been served upon her.

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 for setting aside the order dated 24.03.2021 passed by the learned Additional Sessions Judge 1st cum Special Judge SC/ST Act, in Spl. A.B.A. No. 33 of 2021 arising out of SC/ST P.S. Case No. 11 of 2020, registered for the offences punishable under Sections 147,, 148, 341, 323, 354 (B), 379, 504 of



the Indian Penal Code & Section 3(I)(R)(S), 3(w)(i), 3(2va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, a piece of land was settled to the informant/complainant by the Communist Party. After measurement it was detected that some portion of the land was belonging to a school. The informant/complainant vacated that portion in favour of that school. Thereafter, the accused persons after trespassing that portion start laying foundation. They also abused the complainant by calling her caste name and outraged her modesty. The appellant no. 1 and co-accused Arvind Sah assaulted the daughter-in-law of the complainant and snatched a silver chain from her neck.

Learned counsel for the appellants has submitted that there is admittedly land dispute between the parties. The piece of land which has been mentioned in the complaint petition was purchased land of appellant No. 1 and father of appellant no. 2. They are the title holder of that land. The learned counsel for the appellants has submitted further that the origin of occurrence is land dispute and not the malicious feeling of caste.

It appears that there is land dispute between the parties. The appellants claim that land as their purchased land and the appellants are the person of clean antecedents.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the



impugned order dated 24.03.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 11 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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