

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3165 of 2019

Arising Out of PS. Case No.-55 Year-2017 Thana- SC/ST District- Jamui

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1. Nand Kishore Tanti Son of Late Muneshwar Tanti
 2. Sudhir Tanti Son of Dhirendra Tanti
 3. Neeraj Tanti @ Niranjan Tanti Son of Dhirendra Tanti all are Resident of Village - Chheddeahi, P.S.- Gidhour, P.S.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Ravidas Son of Raghunath Ravidas Resident of Village - Guguldih, P.S.- Barhat, P.S.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kartik Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

11 22-02-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Vide order dated 15.11.2021, notice was issued to the respondent no. 2. From perusal of the office notes, it appears that notice has been validly served upon the respondent no. 2 but nobody appears on their behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.05.2019, passed by learned Additional District and Sessions Judge-1st Jamui in



connection with Jamui SC/ST P.S. Case No. 55 of 2017, registered under Sections 147, 148, 149, 323, 504, 341, 447 and 427 of the IPC and Sections 3(i) (r) (x) of SC/ST Act.

Appellants are said to have destroyed the plant of paddy and Arhar crops of the informant. On objection, all the accused persons including the appellants abused the informant by caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. According to the FIR, it is clear that there is land dispute between the informant and the appellants. He submits that no case under SC/ST Act is made out against the appellants. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact there is admitted land dispute between the parties, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st Jamui in connection with Jamui SC/ST P.S. Case No. 55 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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