

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3044 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- SC/ST District- Patna

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Amit Kumar @ Kaju S/o Sri Ashok Saw @ Ashok Gupta Resident of New Sarak Chowk, Mangal Talab, Jamuna Ji Ka Math, P.S.- Chowk, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sheela Devi W/o Sri Sanjeet Kumar @ Chhotu Paswan Resident of Village- Marcha, P.S.- Bypass, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs.Vaishnavi Singh, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-12-2022

Perusal of office report shows notice has been validly served upon the respondent no.2. But none is present on behalf of the respondent no. 2. Hence, the matter has been put up for hearing.

Heard learned counsel for the appellant and learned Spl.PP for the State.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by



order dated 27.07.2022 passed by learned Exclusive Special Court, (SC/ST) Act, Patna in Serial No. 130 of 2022 arising out of SC/ST P.S. Case No.12 of 2022 registered for the alleged offences under Sections 341, 323, 354, 379, 427, 447, 448, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the informant named the petitioner and other FIR named co-accused persons, who entered into her house, abused her by taking caste name and threatened her that she should vacate the house and the land. They assaulted the informant and her family members.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The whole occurrence took place inside the house of the informant as it was not a public place hence, provisions of the SC/ST Act would not be applicable. There is land dispute between the parties and they are contesting the title suit pertaining to property as described in Schedule-1 and Schedule-A of the plaint of the Title Suit No. 181 of 2020. Two of the co-accused persons facing similar allegation have been allowed privilege of anticipatory bail vide order dated 22.09.2022



passed in Cr. App (SJ) No. 2848 of 2022. The appellant is in custody since 27.06.2022 and charge-sheet has been submitted. The appellant has got no criminal history.

Learned Spl.PP opposes the prayer for bail.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and considering the nature of allegation against the petitioner in the background of land dispute and further considering the grant of anticipatory bail to similarly placed co-accused persons and also considering the clean antecedent of the appellant along with the period of custody of the appellant and submission of charge sheet, he directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (SC/ST) Act, Patna in connection with SC/ST P.S. Case No. 12 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or



in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2022
Transmission Date	19.12.2022

