

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3058 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SC/ST District- East Champaran

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1. SUBHASH PATEL S/o Chandrika Patel @ Chandrika Raut R/o village- Balua Tharghatti, P.S.- Paharpur, District- East Champaran
 2. Raju Patel S/o Chandrika Patel @ Chandrika Raut R/o village- Balua Tharghatti, P.S.- Paharpur, District- East Champaran
 3. Thakur Patel S/o Bhuli Patel R/o village- Balua Tharghatti, P.S.- Paharpur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Laljhari Devi W/o Bigu Ram R/o village- Balua Tharghatti, P.S.- Paharpur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2022 Heard learned counsel for the appellants, learned counsel for the informant as well as learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 05.08.2022 in A.B.P. No. 2617 of 2022 passed by the learned Special Judge, S.C./S.T. (Prevention of Atrocities) Act, East Champaran at Motihari in connection with SC/ST East Champaran Case No. 21 of 2022 registered under Sections



147, 341, 323, 324, 325, 307, 305, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)w(i) 3(ii)(va) of SC/ST Act, 1989.

As per prosecution case, on 22.06.2022 the accused persons including the appellants are constructing Pucca house at the land settled in favour of the informant, when the informant protested then all the accused persons started assaulting and abusing by caste name, when the informant protested then co-accused Chandrika Patel inflicted with iron rod on the head of the informant by which she sustained oozing injury when her son Dharmendra Ram came to rescue then appellant Raju Patel inflicted Spade blow on his head by which he sustained injury on the back side of the head. When Lalu Ram younger brother-in-law of the informant came to rescue then the appellant no.1 Subhash Patel inflicted Spade blow on his head by which he sustained oozing injury. It is further alleged that Subhawati Devi, Santosh Ram, Sunita Devi, Saroj Devi came to rescue then all accused persons assaulted them after chasing.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties and there is case and



counter case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and according to the F.I.R. the informant and their family members sustained serious injured but there is no medical evidence available on the record to suggest that the allegation as alleged in the F.I.R. is true.

Learned counsel for the Informant/Respondent has vehemently opposed the prayer for bail of the appellants and submits that there is specific allegation against the appellant no.1 and 2 that they have assaulted the informant and his family members.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with S.C./S.T. East Champaran Case No. 21 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 05.08.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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