

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4629 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Siwan

1. Dharmshila Devi W/O Dnesh Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
2. Manisha Kumari D/O Dinesh Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
3. Punita Devi W/O Umesh Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
4. Soni Devi Wife Of Radheshyam Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
5. Chinta Devi W/O Subash Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
6. Chhathu Prasad Son Of Late Sukdeo Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
7. Manoj Singh Son Of Chhathu Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.
8. Sujeet Kumar Singh Son Of Dinesh Prasad Resident Of Village- Basawan Bari, P.S.- Barharia, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gautami Devi wife of Virendra Ram Vill- Basawan Bari, P.S.- Barharia, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Naresh Prasad
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-08-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though the notice has been validly served upon the respondent no. 2 but no one appears on her 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 16.09.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 14 of 2021, registered under Sections 341, 323, 324, 354, 448, 506/34 of the IPC and Sections 3(i) (r) (s) (w), 3 (2) (va) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. Earlier appellants have filed a case against the husband of the informant, thereafter, present case has been filed by the informant. He submits that occurrence took place on 05.07.2021 but FIR was lodged on 19.07.2021. He submits that there is no specific overt act against 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 that there is admitted land dispute in between the parties, let 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 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 14 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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