

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4657 of 2021

Arising Out of PS. Case No.-314 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. JULEE KUMARI @ JULI KUMARI Wife of Shashi Nath Kumar Resident of Village- Daulatpur Dakara, P.S. Barabar Paryatan, (Makhdumpur), District - Jehanabad.
 2. Shashi Nath Kumar Son of Shiv Kumar Prasad Resident of Village- Daulatpur Dakara, P.S. Barabar Paryatan, (Makhdumpur), District - Jehanabad.
 3. Nand Kishore Prasad Son of Late Ramdev Yadav Resident of Village- Daulatpur Dakara, P.S. Barabar Paryatan, (Makhdumpur), District - Jehanabad.
 4. Kundan Kumar Son of Nand Kishore Prasad Resident of Village- Daulatpur Dakara, P.S. Barabar Paryatan, (Makhdumpur), District - Jehanabad.
 5. Suraj Prasad Son of Brij Nandan Prasad Resident of Mohalla - Kalyanpur, P.O. and P.S.- Delha Par Badki Delha, District - Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramesh Paswan Son of Bharat Paswan Resident of Village- Kharauna, P.S. Barabar Paryatan, (Makhdumpur), District - Jehanabad.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(a)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 14.09.2021 passed by learned Additional District and Sessions Judge, Ist, Jehanabad in connection with Complaint Case No. 314/2019 registered under Sections 147, 148, 323, 379 and 34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is case and counter case between the parties and injuries found upon the victim are simple in nature. There is admitted land dispute between the parties. He relied upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710*. Appellant nos. 2, 3 and 4 have one criminal antecedent and



appellant nos. 1 & 5 have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Ist, Jehanabad in connection with Complain Case No.314/2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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