

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5533 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- SC/ST District- Samastipur

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1. Tek Narayan Mahto Son of Late Aklu Mahto
 2. Md. Munnu @ Master Saheb @ Master Sahab Son of Late Ali Hasan Babu
 3. Gopal Kumar Son of Rajeshwar Mahto all Resident of Village- Amirganj Dharampur, P.S.- Town, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Girja Devi wife of Shankar Sada resident of village- Amirganj Dharmpur, ward no. 04, P.S. and District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raja Ram Mishra, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 01-02-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

Vide order date 14.12.2021, notice was issued to the newly added 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 his 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 anticipatory bail vide order dated 15.11.2019, passed by learned Additional District Judge-1,



Samastipur in connection with SC/ST P.S. Case No. 25 of 2019, registered under Sections 147, 149, 323, 341,354, 379, 504, 506 of the Indian Penal Code and Sections 3(i) (r), 3(1)(s) and 3(2) (va) of SC/ST Act.

As per FIR, five name accused persons including the appellants came at the door of the informant and said to vacate the land and house. On protest, they started slapping the informant and abused her by using 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 against the appellants. He submits that there is land dispute between the parties and a proceeding under Section 107 is also pending vide MR No. 1326 of 2019. He further submits that appellants have 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional District Judge-1-cum-Special Judge SC/ST Act, Samastipur in connection with SC/ST P.S. Case No. 25 of 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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