

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5779 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Aurangabad

1. Marachhu Singh @ Jai Prakash Singh Son of Munshi Yadav Resident of Village- Gaja Bigha, P.S.- Daudnagar, District- Aurangabad.
2. Janardan Singh Son of Munshi Yadav Resident of Village-Gaja Bigha, P.S.- Daudnagar, District-Aurangabad.
3. Nanda Singh @ Nandlal Yadav Son of Munshi Yadav Resident of Village-Gaja Bigha, P.S.-Daudnagar, District-Aurangabad.
4. Munia Devi @ Lal Muniya Devi Wife of Nanda Singh @ Nand Lal Yadav Resident of Village-Gaja Bigha, P.S.-Daudnagar, District-Aurangabad.
5. Lakhmani Devi @ Lakhmani Devi @ Lakhmaniya Devi @ Lakhmani Wife of Marachhu Singh @ Jai Prakash Singh Resident of Village-Gaja Bigha, P.S.-Daudnagar, District-Aurangabad.
6. Nirmala Devi Wife of Janardan Singh Resident of Village-Gaja Bigha, P.S.- Daudnagar, District-Aurangabad.
7. Anil @ Sunil Kumar Son of Marachhu Singh @ Jai Prakash Singh Resident of Village-Gaja Bigha, P.S.-Daudnagar, District-Aurangabad.
8. Gorelal Kumar @ Vikash Kumar Son of Janardan Singh Resident of Village-Gaja Bigha, P.S.-Daudnagar, District-Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-01-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 05.12.2019, passed by learned 1st Additional District and



Sessions Judge-cum-Special Judge (SC/ST Act) Aurangabad in connection with SC/ST P.S. Case No. 03 of 2019, registered under sections 341, 427, 354, 379, 504, 506, 34 of the IPC and Sections 3(i) (r) (S), 3 (2)(Va) of SC/ST Act.

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 land dispute between the parties and regarding the said dispute, a proceeding under Section 144 Cr.P.C. bearing Misc. No. 1353 of 2018 (Smt. Giramaniya Devi Vs. Motilal Singh) was initiated in the court of the learned SDM, Daudnagar and the same was decided on 04.10.2018 in favour of the appellants. He submits that there is no specific allegation against appellants. He submits that appellants have no criminal antecedent. He submits that no case under SC/ST Act is made out against the appellants. He submits that occurrence took place on 06.02.2019 but FIR was lodged on 18.02.2019 after delay of 12 days.

There is no specific allegation against the appellants to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

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

Considering 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 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 (SC/ST Act) Aurangabad in connection with SC/ST P.S. Case No. 03 of 201, 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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