

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5784 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- RAFIGANJ District- Aurangabad

1. Shantha Devi Wife of Doman Prajapati Resident of Village - KurKuri, P.S.- Rafiganj, District Aurangabad.
2. Doman Prajapati Son of Shiv Nandan Prajapati Resident of Village - KurKuri, P.S.- Rafiganj, District Aurangabad.
3. Basant Prajapati Son of Shiv Nandan Prajapati Resident of Village - KurKuri, P.S.- Rafiganj, District Aurangabad.
4. Arun Prajapati Son of Nanhak Prajapati Resident of Village - KurKuri, P.S.- Rafiganj, District Aurangabad.
5. Nawal Prajapati Son of Yogeshwar Prajapati Resident of Village - KurKuri, P.S.- Rafiganj, District Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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 03.12.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act) Aurangabad in connection with Rafiganj P.S. Case No. 125 of 2019, registered under Sections 341, 323, 504, 337, 506, 34 of the IPC and Sections 3(i) (r) (s)



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 dispute between the parties regarding the passage. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is case and counter case between the parties. He submits that appellants have no criminal antecedent. He submits that no case under SC/ST Act is made out against the appellants.

There is admitted land dispute between the parties, 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 and the fact that there is general and omnibus allegation against the appellants, 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 District and Sessions Judge-cum-Special Judge (SC/ST Act) Aurangabad in connection with Rafiganj P.S. Case No. 125 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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