

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5817 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- UJIYARPUR District- Samastipur

1. DHARMENDRA SAHNI @ KHESARI LAL Son of Ram Bahadur Sahni Resident of Village- Chandauli, P.S.- Ujiyarpur, District- Samastipur.
2. Sundeshwar Sahni Son of Ram Bahadur Sahni Resident of Village- Chandauli, P.S.- Ujiyarpur, District- Samastipur.
3. Mantun Ray Son of Sunar Ray Resident of Village- Mahisari, P.S.- Ujiyarpur, District- Samastipur.
4. Rinku Ray @ Rakesh Ray Son of Vindeshwar Ray Resident of Village- Mahisari, P.S.- Ujiyarpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the SC/ST Act), against the refusal of prayer for anticipatory bail vide order dated 28.09.2019, passed by learned 1st Additional Sessions Judge, Samastipur, in connection with Ujiyarpur P.S. Case No.75 of 2019, registered under sections 341, 323, 379, 504, 506/34 of the IPC and sections 3(1)(r)(s) (va) of the SC/ST



(POA) Amendment Act, 2015.

The crux of the prosecution case is that the appellants along with 4-5 unknown miscreants attacked the informant with weapons like iron rod and abused in the caste name for extortion money. It is alleged that when informant's side came for rescue, they were also abused at and assaulted by the appellants.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in this case due to ill motive and enmity. The entire prosecution story is false and concocted one. There is general and omnibus allegation against all the accused persons. The informant has not sustained any injury on his person and the learned lower Court has also not mentioned any injury in the impugned order. The appellant have been implicated in this case due to old enmity and land dispute relating to Indira Awas land. As such, no case under the SC/ST Act is made out against the appellant. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is allegation against the appellants of abusing the informant by taking caste name. Therefore, it is not a fit case for grant of anticipatory bail.



Having heard the submissions of the parties, it appears that there is a land dispute between the parties, as such, no case under the SC/ST Act is applicable, as such, there is no requirement of issuing notice to the informant.

Considering the facts and circumstances of the case, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur, in connection with Ujiyarpur P.S. Case No.75 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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