

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1030 of 2021**

Arising Out of PS. Case No.-66 Year-2020 Thana- MEHANDIGANJ District- Patna

MUKHIYA SINGH S/o Sitaram Singh Resident of Udrahmapur, P.S.-
Mehdiganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Majid Mahboob Khan
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-02-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 25.08.2020 passed in A.B.P. No. 4038 of
2020, arising out of Mehendi P.S. Case No. 66 of 2020,
registered for offence punishable under sections 147, 341, 323,
504, 324, 308 of the Indian Penal Code and sections 3 (1) (r) (s)
of the SC/ST (POA) Act, by the learned 1st Additional Sessions



Judge-cum-Special Judge, SC/ST, Patna, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, when the informant was cleaning her water tank, the accused persons abused and assaulted her. They also assaulted her family members.

The learned counsel for the appellant has submitted that, as a matter of fact, it was a public utility land situated in front of the house of the appellant and the informant and her family members wanted to grab it. There is admittedly land dispute between the parties. He has submitted further that moreover, the matter has been compromised.

On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail.

It appears that the genesis of the occurrence is land dispute, and not the malicious feelings due to caste.

The provisions of SC/ST Act does not attract *prima facie*.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 25.08.2020 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today,



is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Patna in connection with Mehendi P.S. Case No. 66 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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