

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.252 of 2023

Arising Out of PS. Case No.-75 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. GANESH KUMAR @ GANESH RAI S/O LATE BABU LAL RAI
Resident of village- Mubarakpur, P.S.- Musrigharari, District- Samastipur.
 2. PRAVEEN KUMAR @ PRAVEEN RAI S/O DINESH RAI Resident of
village- Mubarakpur, P.S.- Musrigharari, District- Samastipur.
 3. UMESH KUMAR RAI @ UMESH RAI S/O LATE BABU LAL RAI
Resident of village- Mubarakpur, P.S.- Musrigharari, District- Samastipur.
 4. RAM SEWAK RAI S/O LATE ACHEWAR RAI Resident of village-
Mubarakpur, P.S.- Musrigharari, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. MILA DEVI W/O SHANKAR DAS Resident of village- Mubarakpur, P.S.-
Musrigharari, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 03.05.2023, the informant/complainant was informed about her appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’)



against the refusal of prayer of anticipatory bail vide order dated 17.12.2022, passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Complaint Case No.75 of 2019, registered under Sections 323, 354-B, and 504 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

The appellants are said to have assaulted the informant. It is also alleged that appellants have abused the informant by naming her caste.

Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is land dispute between the parties. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand & Anr.*, reported in *2020 (10) SCC 710*.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks



from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Complaint Case No.75 of 2019, subject to the conditions 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)

S.KUMAR/-

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