

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.213 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Bangali Rai Son Of Late Krit Rai R/O Village- Koriyawan, P.S.- Janipur, District- Patna
2. Sudhir Kumar Son Of Bangali Rai R/O Village- Koriyawan, P.S.- Janipur, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chhotki Devi Wife Of Lagan Mochi R/O Village- Koriawan, P.S.- Janipur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Singh, Advocate
For the Respondent/s : Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-05-2023 Heard learned counsel for the appellants and the State.

Nobody appears for respondent no.2 inspite of valid service of notice.

This appeal has been filed for setting aside order dated 2.11.2022, passed in a case registered for the offence punishable under sections 341/323/325/504/506/354/34 of the IPC and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

As per the prosecution case, informant had purchased a piece of land from Pappu Kumar 5 years back but he did not give possession of the land. Again after some days, appellants



and other accused persons removed pillars of the land. On 25.6.2022 when respondent no.2 requested accused persons to allow her to construct house over the said land, the accused persons abused her by caste name and also assaulted her family members.

Learned counsel appearing for the appellants submits that the allegation of abuse and assault is general and omnibus against all the accused persons and no specific overt act has been alleged against these appellants. Admittedly there is land dispute. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

Counsel for the State and the respondent no.2 oppose the prayer for bail.

Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, SC/ST Act Patna in Phulwari sharif



Police Station Case No. 733 of 2022.

(Prabhat Kumar Singh, J)

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