

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.522 of 2023

Arising Out of PS. Case No.-1006 Year-2022 Thana- MUFFASIL District- West Champaran

1. JANG BAHADUR SAH SON OF GYANCHAND SAH R/O-LAIYA TOLA, P.S.-MUFFASIL BETTIAH, DISTT.-WEST CHAMPARAN
2. VIJAY SAH SON OF GYANCHAND SAH R/O-LAIYA TOLA, P.S.-MUFFASIL BETTIAH, DISTT.-WEST CHAMPARAN
3. UMRAWATI DEVI WIFE OF PREMCHAND SAH R/O-LAIYA TOLA, P.S.-MUFFASIL BETTIAH, DISTT.-WEST CHAMPARAN
4. HEMA DEVI WIFE OF PRABHU SAH R/O-LAIYA TOLA, P.S.-MUFFASIL BETTIAH, DISTT.-WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SEEMA DEVI WIFE OF MAHENDRA RAM R/O-LAIYA TOLA, P.S.-MUFFASIL BETTIAH, DISTT.-WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 02-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 18.05.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against



the refusal of prayer of anticipatory bail vide order dated 04.01.2023 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST, West Champaran, Bettiah, in connection with Muffasil (Bettiah) P.S. Case No.1006 of 2022, registered under Sections 379, 354, 504 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case is that, when the informant put a piece of paper on her land, upon which accused persons broken the pipe of his *Nala*, through which dirty water of her house came out, and assaulted the informant with fists and slaps, dragging her from her house.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is a case and counter-case between the parties. There is an admitted land dispute between the parties. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.



7. In the facts and circumstances of the case, 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 Sessions Judge cum Special Judge SC/ST, West Champaran, Bettiah, in connection with Muffasil (Bettiah) P.S. Case No.1006 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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