

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.590 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- BABUBARHI District- Madhubani

1. LAKSHSHESHWAR JHA SON OF LATE KARI JHA RESIDENT OF VILLAGE- SARRA, P.S.- BABUBARHI, DIST.- MADHUBANI
2. BINDESHWAR JHA SON OF LATE KARI JHA RESIDENT OF VILLAGE- SARRA, P.S.- BABUBARHI, DIST.- MADHUBANI
3. PAPPU JHA SON OF LAKHESHWAR JHA @ LAKHMESHWAR JHA RESIDENT OF VILLAGE- SARRA, P.S.- BABUBARHI, DIST.- MADHUBANI
4. BADRINATH JHA SON OF LATE SARVNARYAN JHA @ BLUR JHA RESIDENT OF VILLAGE- SARRA, P.S.- BABUBARHI, DIST.- MADHUBANI
5. GOPAL JHA SON OF LATE JEEVANATH JHA R/O VILLAGE- SARRA, P.S.- BABUBARHI, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. Leela Devi Wife of Shri Ram Sadai Resident of village-Sarara,P.S-Babubarhi,District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-01-2023 Heard the parties.

Learned Special Public Prosecutor submits that he informed the respondent no.2 but nobody appears 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated



20.12.2021 passed by learned 1st Additional Sessions Judge Madhubani, in connection with Babubarhi P.S. Case No. 125/2020 registered under Sections 341, 323, 307, 354, 504, 427/34 of the Indian Penal Code and Section 3(i) (r), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other co-accused persons assaulted the informant and her family members. They abused the informant side by taking their caste name. They also tried to outrage the modesty of female members of informant's family.

It is submitted by learned counsel for the appellants that appellant are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation of assaulting the informant side is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is case and counter case between the parties. Appellants have two criminal antecedents as mentioned in para-3 of memo of appeal.



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

In the facts and circumstances of the case, since there is land dispute between the parties, 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 Addl. Sessions Judge, Madhubani in connection with Babubarhi P.S Case No. 125/2020, 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)

divyanshi/-

U		T	
---	--	---	--

