

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.704 of 2023

Arising Out of PS. Case No.-648 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. SHASHILATA KUNWAR W/O LATE KALI LAL @ KALI LAL SRIVASTAVA R/v- Ameth, P.S.- Mohania, District- Kaimur
2. ANSHU KUMAR SRIVASTAVA @ PRIYANSHU KUMAR SRIVASTAVA W/O LATE KALI LAL @ KALI LAL SRIVASTAVA R/v- Ameth, P.S.- Mohania, District- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. MINTU KUMAR S/O SHYAMLAL RAJAK R/v- Ameth, P.S.- Mohania, District- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Radha Mohan Pandey
		Mr. Chandra Shekhar Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-08-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. 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 20.12.2022 passed by learned Additional District and Sessions Judge-1 cum Special Judge, Kaimur at Bhabhua in connection with Mohania P.S. Case No.648 of 2022, registered under



Sections 406, 420 and other allied Sections of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and co-accused Navin Kumar took Rs.6,18,000/- from the informant for transfer of land in favour of the informant but later on denied from doing the same. It is alleged that when the informant went to the house of co-accused Navin Kumar, the appellants and other co-accused persons abused him by taking caste name and expelled him from there.

4. 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. Both the parties are co-villagers. There is no allegation against the appellants to abuse the informant by taking any specific caste name. The appellants are the mother and brother, respectively of the co-accused Navin Kumar. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for bail by submitting that the appellants are also involved in the present case.

6. In the facts and circumstances of the case as there is no specific overt act against the appellants, let 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 Additional District and Sessions Judge-1 cum Special Judge, Kaimur at Bhabhua in connection with Mohania P.S. Case No.648 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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