

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.990 of 2023

Arising Out of PS. Case No.-32 Year-2020 Thana- PALANWA District- East Champaran

1. Manager Pandit @ Maneger Pandit Son Of Late Mahabir Pandit R/O Village- Kharatwa, P.S.- Palanwa, District- East Champaran
2. Brajesh Pandit @ Brijesh Pandit Son Of Lakshuman Pandit R/O Village- Kharatwa, P.S.- Palanwa, District- East Champaran
3. Jainarayan Pandit Son Of Sipahi Pandit R/O Village- Kharatwa, P.S.- Palanwa, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanhaiya Sah Son Of Late Mahendra Sah Gond R/O Harnahi, P.S.- Raxaul, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 21.12.2022 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Palanwa P.S. Case No. 32 of 2020 under Sections 341, 323, 447, 379, 504, 354(B), 34 of the Indian Penal Code and section 3(i)(a)(r)(s)w(i)3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail



of the appellants was rejected.

As per the prosecution case, on the alleged date and time of occurrence, all the accused persons including appellants came at the house of informant, abused the informant by caste name and assaulted him. On alarm, when mother of informant came there, then all the accused persons assaulted and disrobed her. The accused persons took away the bricks worth Rs. 15,000/- from the house of informant. The alleged occurrence took place due to the reason that case of 144 (Case No. 191M/2018) is going on between the parties.

It is submitted on behalf of the appellants that as a matter of fact, land dispute is going on between the parties and in front of the house of appellants there is a piece of *Gairmajarua* land and the informant wants to grab the same on account of that reason this false and fabricated case has been lodged by the informant. There is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Moreover, a case bearing Case No. 191M/2018 under Section 144 is going on between the parties.

Counsel for State vehemently opposed the prayer for



bail and submitted that appellants have got criminal antecedents of similar nature.

Considering the nature of accusation and the fact that appellants have got criminal antecedents, this criminal appeal stands dismissed.

(Prabhat Kumar Singh, J)

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