

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1228 of 2022

Arising Out of PS. Case No.-13 Year-2018 Thana- SC/ST District- Jamui

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1. Savita Devi@ Babita Devi Wife Of Akheshwar Ram @ Akhileshwar Ram R/O- Village- Gidhaur, P.S.- Gidhaur (Laxmipur), District- Jamui
 2. Ranjan Kumar @RANJAY Kumar Son Of Akheshwar Ram @ Akhileshwar Ram R/O- Village- Gidhaur, P.S.- Gidhaur (Laxmipur), District- Jamui
 3. Sanjay Kumar Ram @ Sanjay Kumar Son Of Akheshwar Ram @ Akhileshwar Ram R/O- Village- Gidhaur, P.S.- Gidhaur (Laxmipur), District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi wife of Ghanshyam Rajak vill- Mahuligarh, P.S.- Khaira, Distt- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar Sinha
For the State	:	Mr.Binay Krishna
For the Respondent 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-08-2023 Heard learned counsel for the appellant and learned Special P.P. for the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

2. The present appeal has been filed against order dated 16.04.2018 passed by learned A.D.J.-I-cum-Special Judge, Jamui in SC/ST P.S. Case No. 13 of 2018 registered for the offence punishable under Sections 323, 341, 504, 379 of the Indian Penal Code and Section 3(1)(g)(w) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST



Act”), whereby the prayer for anticipatory bail of appellants was rejected.

3. As per prosecution case, all the F.I.R. named accused persons including these petitioners were cutting seisum trees, which was opposed by the informant, upon which, all the accused persons abused her by caste name and thereafter, assaulted her and other family members. It is further alleged that accused persons disrobed the informant and tried to outrage her modesty.

4. Learned counsel for the appellants submits that admittedly, there is land dispute between the parties. Seisum trees in question belong to appellants’ side. In fact, due to petty dispute, a simple scuffle took place between the parties. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out.

5. Learned Special P.P. for the State opposed the appeal.

6. Considering the aforesaid facts and circumstances, the impugned order dated 16.04.2018 passed by learned A.D.J.-I-cum-Special Judge, Jamui in SC/ST P.S. Case No. 13 of 2018, so far as these appellants are concerned, is, hereby, set aside and appeal is allowed.



7. Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Jamui in SC/ST P.S. Case No. 13 of 2018.

(Prabhat Kumar Singh, J)

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