

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1663 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- SC/ST District- Araria

-
1. VIJAY KUMAR SINGH @ VIJAY SINGH Son of Late Jhabbar Singh Resident of Village- Kala Balua, P.S.- Raniganj, District- Araria
 2. ANKIT SINGH Son of Late Fulendra Singh Resident of Village- Kala Balua, P.S.- Raniganj, District- Araria
 3. MOSIM Son of Late Mahboob Resident of Village- Kala Balua, P.S.- Raniganj, District- Araria
 4. MD. RAJA @ MD. RAJA SAR Son of Mosim Resident of Village- Kala Balua, P.S.- Raniganj, District- Araria
 5. MD. ISRAIL SON OF MOSIM Resident of Village- Kala Balua, P.S.- Raniganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RAJENDRA PASWAN SON OF LATE SRIPAT PASWAN Resident of Village- Barhara, P.S.- Raniganj, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ramesh Kumar Singh, Advocate
For the O.P.No. 2	:	Mr. Madhav Jha, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-12-2023 Heard learned counsel for the appellants, learned counsel for the O.P. No. 2 and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 20.03.2023 passed by the learned 1st Addl. District & Sessions Judge-cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 35 of 2022 dated 24.11.2022 registered for the alleged offences under Sections



147, 149, 323, 354B, 385, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) / 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant was at his house, in the meantime, the appellants and the co-accused persons armed with deadly weapon are alleged to have come to the house of the informant and abused the informant and his wife by calling their caste name. Thereafter, the accused persons brought them on the road by catching hold of their hair. It is further alleged that the accused persons asked the informant that why he purchased the land of Prithwi Singh and they assaulted them. The accused persons also threatened the informant to vacate the said land or demanded Rs. 5 lakhs as *rangdari* otherwise they would be killed. It is further alleged that the accused persons assaulted the informant's wife and disrobed her.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case due to land dispute. There is general and omnibus allegation of abusing against the appellants and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is also submitted that from the material on record, it appears that a civil dispute is converted into criminal dispute. It is further submitted that the appellants have no concern with the alleged offence. The



appellant no. 1 and 2 have no criminal antecedent and the appellant no. 4 has one criminal antecedent whereas the appellant no. 3 and 5 have two criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State and learned counsel for the informant as well as learned counsel for the O.P. No. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 20.03.2023 passed by the learned 1st Addl. District & Sessions Judge-cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 35 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Session Judge-cum-Spl. Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 35 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Gautam/-

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

