

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1547 of 2022**

Arising Out of PS. Case No.-282 Year-2021 Thana- BIBHUTIPUR District- Samastipur

GANGA PRASAD SINGH RAM KRISHNA SINGH R/O VILLAGE-
RUPAULI KHURD, P.S.- BIBHUTIPUR, DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM RATAN DAS SON OF LATE LAKHAN DAS R/O VILLAGE-
RUPAULI KHURD, P.S.- BIBHUTIPUR, DISTRICT- SAMASTIPUR
(INFT.)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachchidanand Choudhary
For the Informant	:	Mr.Mukesh Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 24-01-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as

the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for
setting aside the order dated 05.10.2021 passed by the learned
1st Additional Sessions Judge-cum-Special Judge (SC/ST)
Samastipur registered for offence punishable under sections



341, 323, 504, 506, 307, 427, 354, 379, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act and sections 3 (1) (r) (s) 3(2) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the named accused persons including the appellant equipped with pistol, bomb etc. attacked at the shop of the informant and committed loot and they also assaulted the family members of the informant.

The specific allegation against the appellant is that he assaulted the wife of the informant with iron rod on her head.

The learned counsel for the appellant has submitted that the members of the informant side made hindrance when the appellant was proceeding ahead for construction on his purchased land. He has submitted further that the informant claims that land on the basis of settlement through *purcha* in their favour by the State Government, whereas the land in question is the purchased land of the appellant. He has also submitted that the members of informant side badly assaulted the appellant and his family members and they set on fire his four-wheeler. They burnt his brother, who was struggling for



his life for six weeks in hospital and they have falsely implicated the appellant and his family members. He has also submitted that the members of prosecution side refused to provide the medical papers to him, as the treatment have taken place in private hospital.

On the other hand, the learned counsel for the informant has submitted that the vendor of the appellant has no alienable rights as he was *purcha* holders of that land.

Both the parties are claiming that land. The appellants are claiming the disputed land on the basis of sale deed, whereas the informant side claims that land on the basis of *purcha*.

It appears nothing more than a matter of civil dispute.

In my view, the provisions of SC/ST Act does not attract *prima facie*.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 05.10.2021 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Samastipur in connection with Bibhutipur P.S. Case No. 282 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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