

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2780 of 2022

Arising Out of PS. Case No.-15 Year-2020 Thana- SANGRAMPUR District- Munger

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1. ANIL BHARTI SON OF BHUNESHWAR PRASAD YADAV @ BHUMI YADAV R/O VILLAGE- SANGRAMPUR, P.S.- SANGRAMPUR, DISTRICT- MUNGER
 2. INDIRA DEVI WIFE OF ANIL BHARTI R/O VILLAGE- SANGRAMPUR, P.S.- SANGRAMPUR, DISTRICT- MUNGER
 3. MOUSAM BHARTI D/O ANIL BHARTI R/O VILLAGE- SANGRAMPUR, P.S.- SANGRAMPUR, DISTRICT- MUNGER

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi Wife of Bablu Das Resident of village-Kushmar,P.S- Sangrampur,District-Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 24-07-2023 1. Heard learned counsel for the appellants, learned counsel for the informant 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 (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 20.07.2022 in A.B.P. No. 1168 of 2022 passed by the learned 1st Additional Sessions Judge-cum-



Special Judge S.C./S.T. (POA) Act, Munger in connection with Sangrampur P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 341, 323, 420, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(h) of the SC/ST Act.

3. The informant alleges that on 30.11.2018, Mousam Bharti made an agreement for sale of land in favour of informant Punam Devi and Urmila Devi but after verification of the land it was found that the *khasra* was incorrect and the land is not ancestral land of Mousam Bharti, accordingly, on 9.12.2019, the informant and Urmila Devi started demanding to return money when Indira, Anil and Mousam abused them by using caste name.

4. Learned counsel for the appellants submits that the appellant no. 1 has antecedent of one case and appellant nos. 2 and 3 are persons with clean antecedent. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that SC/ST Act has been made a tool of harassing innocent people, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the



dispute is purely civil but then the informant alleges that she was abused by taking caste name but then the FIR does not even remotely suggest that who witnessed the occurrence or who heard the appellants abusing the informant by taking their caste name, this amply demonstrates that the occurrence did not take place in public view.

5. Learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the appellants but are not in a position to rebut the submissions of the learned counsel for the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 20.07.2022 in A.B.P. No. 1168 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Munger in connection with Sangrampur P.S. Case No. 15 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sangrampur P.S. Case No. 15 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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