

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2056 of 2023**

Arising Out of PS. Case No.-478 Year-2022 Thana- GAYA MUFASIL District- Gaya

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1. Kapil Sharma @ Kapil Prasad Son Of Ramswarup Mistri Resident Of Village Bhadeji, Ps Mufassil, Dist Gaya
 2. Akshay Kumar @ Akshay Kumar Sharma Son Of Kapil Prasad Resident Of Village- Bhadeji, Ps- Mufassil, Distt- Gaya
 3. Golu Kumar @ Harendra Kumar Sharma Son Of Kapil Prasad Resident Of Village- Bhadeji, Ps- Mufassil, Distt- Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Samrat Ravidas Late Raj Kumar Ravidas Resident of Village - Bhadeji, P.S.- Mufassil, District-Gaya

... .. Respondents

Appearance :

For the Appellants	:	Mr. Sanjay Kr. Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl. Public Prosecutor
for respondent no.2	:	Mr. V.R. Choudhary, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 22-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 22.09.2022 passed in a case registered for the offence punishable under sections 341,323,324,379, 504/506/34 of the IPC and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, on the alleged date and time of the occurrence, when the informant/ respondent no.2 was sitting in the house of owner of Lota Factory, in the meantime, all the FIR named accused persons including these appellants came and started to quarrel with the owner of Lota factory regarding land dispute and assaulted him with kudal over his head. They also abused him by caste name and snatched his silver chain.

4. Learned counsel appearing for the appellants submits that due to land dispute, quarrel took place between the parties. Doctor has found simple injury. It is not the case of the informant that any member of the public was present on the place of occurrence, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the Special Judge, SC/ST Act,
Gaya in Mufassil Police Station Case No. 478 of 2022.

(Prabhat Kumar Singh, J)

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