

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1901 of 2022**

Arising Out of PS. Case No.-761 Year-2021 Thana- SONEPUR District- Saran

1. DHARMENDRA KUMAR SAH S/o- Krishna Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
2. JITENDRA KUMAR SAH S/o- Krishna Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
3. AJAY KUMAR SAH S/o- Krishna Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
4. SANNY KUMAR SAH S/o- Krishna Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
5. GURIA DEVI W/o- Dharmendra Kumar Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
6. KRISHNA SAH S/o- Late Baleshwar Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
7. MANJU DEVI W/o- Krishna Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.
8. BINDU DEVI W/o- Jitendra Kumar Sah Resident of Village - Paharichak, Akilpur, P.S. - Sonapur, District - Saran, Bihar.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAGDEEP KUMAR S/o- Rajendra Ram Resident of Village - Paharichak, Akilpur, Ward No. 07, P.S. - Sonapur, District - Saran, Bihar.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                 |
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| For the Appellant/s  | : | Mr. N.K. Agarwal, Sr. Adv.<br>Mr. Arvind Kumar, Adv.<br>Mr. Kumar Rajdeep, Adv. |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl.PP.<br>Mr. Atul Shankar, Adv.                           |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      22-02-2023      Heard the parties.

Learned counsel for the appellants is directed to remove  
the defects within four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 06.05.2022 passed by learned 3rd Additional District & Sessions Judge cum Special Judge, SC/ST Act, Saran in connection with Sonapur P.S. Case No. 761/2021 registered under Sections 147, 148, 341, 342, 323, 324, 325, 307, 379, 354, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) (w), 3(2), (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellant nos. 1 & 2 gave a blow by an iron rod on the head of the informant. Appellant nos. 3 & 4 assaulted the brother of the informant on his head. Appellant no.8 alleged disrobed the informant's mother. Appellant No.1 snatched the golden chain of the informant's mother. They also abused the informant side.

It is submitted by learned senior counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation levelled against appellants is not specific rather general and omnibus in nature. Appellants have



been implicated in the present case without any basis or material. There is admitted land dispute between the parties. Petitioner's side also lodged a complaint case for this occurrence bearing Complaint Case No. 251 of 2022 in which cognizance has been taken. Prior to this case, in 2018, appellant no. 1 has lodged Sonapur P.S Case No. 528/2018 against the informant's family. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Learned counsel for the appellants relied upon the judgment of the Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.*** Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as there is admitted land dispute between the parties, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the



like amount each to the satisfaction of the learned 3<sup>rd</sup> Addl.  
District & Sessions Judge cum Special Judge (SC/ST Act),  
Sonepur in connection with Sonepur P.S Case No. 761/2021,  
subject to the condition as laid down under Section 438 (2) of  
the Cr.P.C.

Accordingly, the impugned order is set aside and this  
appeal is allowed.

**(Anjani Kumar Sharan, J)**

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