

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2173 of 2022

Arising Out of PS. Case No.-249 Year-2020 Thana- COMPLAINT CASE District- Araria

SHANKAR RAM Son of Yoganand Ram Resident of Village - Raniganj, P.S.
- Raniganj, District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Babaji Rishideo Son of Late Moti Das Resident of Village - Dharmganj,
Ward No. 8, P.S. - Palasi, District - Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mrigendra Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
	:	Mr. Madhav Jha,
	:	Mr. Kanchan Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
21.07.2022 but nobody appeared on behalf of the respondent
no.2.

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 20.05.2022 passed by learned 1st Additional
Sessions Judge-Cum-Special Judge, Araria in connection with
Complaint Case No. 249 of 2020, registered under Sections 323,
420 and 467 of the Indian Penal Code and Sections 3(i)(r), 3(i)



(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, while the complainant was ploughing his land by tractor the co-accused persons along with their associates came over the land stopped ploughing by producing forged paper and claimed the land, by abusing him with caste name and on protest the assaulted with fist and slap.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The appellant also belongs to SC/ST community, therefore, no case is made out against the appellant under SC/ST Act. There is civil dispute between the parties. Appellant has got one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail but not denied the fact that there is a civil dispute between the parties.

In the facts and circumstances of the case, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge-Cum-Special Judge, Araria in connection with
Complaint Case No. 249 of 2020, 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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