

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2671 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- SC/ST District- Patna

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1. SHASHI BHUSAN SAH SON OF RAM SHARAN SAH RESIDENT OF VILLAGE - AASHRAM GALI SHEIKPURA, P.S. - SHASTRI NAGAR, DISTRICT - PATNA
 2. BRIJ BHUSAN BHARAT @ BHARAT SAH SON OF SRI SASHI BHUSAN SAH RESIDENT OF VILLAGE - AASHRAM GALI SHEIKPURA, P.S. - SHASTRI NAGAR, DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANJAN KUMAR SON OF GIGAL PASWAN RESIDENT OF MOHALLA - SAICHAK BEUR, P.S. - BEUR, DISTRICT - PATNA, PRESENT ADDRESS SIDHARTH NAGAR JAGDEOPATH, P.S. - HAWAI ADDA, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State along with the learned counsel for the informant.

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 17.03.2023 in A.B.P. No. 1512 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with SC/ST P.S. Case No. 49 of 2022 registered for the



offences punishable under Sections 341, 323, 504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. The informant alleges that on 03.12.2022, at about 8:30 hours in the night, when the informant was going to his house when, in the meantime, all the accused persons name in the FIR came and started abusing him by taking his caste name and when he raised objection, he was assaulted and threatened.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent.

5. Learned counsel for the appellants submits that the SC/ST Act was enacted for protecting the weaker section i.e., SC/ST but then it appears that the informant is using the act as a weapon to coerce the appellants into submission as a land dispute has arisen in between the two. It is next submitted that the appellants had purchased 14.29 sq.feet of land from the informant but the informant after taking the entire consideration amount gave possession of only 1300 sq.feet and when the appellants raised objection, the present false case came to be instituted. It is next submitted that though it is alleged that he was abused by taking his caste name and was assaulted and threatened but then from bare perusal of the allegations as alleged in the FIR, it would manifest that the occurrence was not committed in public view as the FIR does not even remotely suggest that anyone had seen the occurrence or heard the appellants abusing or threatening the informant.



6. Learned Spl. P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence was not committed in public view.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 17.03.2023 in A.B.P. No. 1512 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with SC/ST P.S. Case No. 49 of 2022 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 SC/ST P.S. Case No. 49 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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